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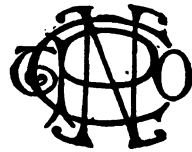
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**SOME NEGLECTED HISTORY  
OF NORTH CAROLINA**







**EXPLAN**

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to Battery 1  
to Artillery  
to Orange  
to Carpenters  
New House  
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Enemy's

Key

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# SOME NEGLECTED HIS- TORY OF NORTH CAROLINA

BEING AN ACCOUNT OF THE REVOLUTION  
OF THE REGULATORS AND OF THE BATTLE  
OF ALAMANCE, THE FIRST BATTLE OF THE  
AMERICAN REVOLUTION :: :: :: :: :: ::

77

BY

WILLIAM EDWARDS FITCH, M. D.

*Author of The Fitch Genealogy in England and America, A. D.  
455-1904; Editor of Southern Medicine, Savannah,  
Georgia; Member of the Society of the Sons  
of the Revolution, Etc.*

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James F. Curtis*

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**DEDICATED**

**TO**

**HON. JOSEPH M. MOREHEAD**

In acknowledgment of his consummate wisdom as a statesman, his valor as a soldier, his incorruptible integrity and his researches in the history and causes of the Revolution of the Regulators, unsurpassed by any writer; and

**TO**

**GENERAL JULIAN SHAKESPERE CARR**

Because of his love for the "Old North State," his veneration for her heroes who bled at Alamance, his success as a model man, his philanthropy and loftiness of character.



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## PREFACE

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North Carolinians have for decades past been interested to an unusual degree in the Provincial and Colonial history of the "Old North State." A growing taste for history and antiquities has become apparent in our history, as has been manifested in various quarters by some of the gifted sons of the Old North State diving among the records and searching the traditions of the past for incidents and subjects worthy of patriotic commemoration.

No State in the Union can present a wider or more diversified field for historical inquiry than North Carolina. On her shores the first settlement of English colonists in America was established; within her borders the first resistance to British authority was organized; by her people the first battle of the American Revolution was fought; and the first actual declaration of independence was made, and some of the most brilliant and important transactions of the Revolutionary period took place upon her soil.

The "Battle of Alamance" and the tyrannical oppression and extortion preceding this most important event in our provincial history is of great moment to all liberty-loving North Carolinians. Recorded instances of oppression and extortion at the hands of all public officers, from



the chief magistrate down to the sheriffs, when no longer endurable called forth the spirit of successful resistance which culminated in taking up arms against the officers of the Crown. But in the study of the events before us—the causes leading up to the “War of the Regulators,” the “Battle of Alamance,” the first battle of the American Revolution—we see the colonists (Regulators) wearing a heavy yoke of British oppression, which they were attempting to throw off by means of arbitration, and when failing in this, although without an army, no ammunition, not organized, with no General to lead them in battle, unused to military tactics, but firmly and unitedly asserting their rights, and in their defense boldly stepping forth to meet a well-organized and properly-officered army led by Tryon, Governor-General of the Province of North Carolina.

The struggle for *American Liberty and Independence* which began at the “Battle of Alamance” was a momentous event in the great drama of the world’s history, which led up to the signing of the *Mecklenburg Declaration of Independence*. At the “Battle of Alamance” was kindled the flame, though small in the beginning, that eventually, Vesuvius-like, spread with the rapidity of a wild forest fire, until the oppressed of the thirteen colonies were aflame with righteous indignation and unitedly determined to throw off forever the YOKE of British oppression. The incidents of extortion from 1765 to 1771 were fraught with such momentous consequences upon the destinies of civilization throughout the world that we can never tire in contemplating the instrumentalities by which, unde

Divine guidance, the liberty and independence of the Colonists were effected. The "War of the Regulators" has taught mankind that oppression, misrule, and extortion under any government tends to weaken and ultimately destroy the power of the oppressor; and that a people united in the cause of freedom and their inalienable rights are invincible by those who would enslave them.

Being a descendant of a Regulator, and having spent his childhood and early manhood in Alamance County, North Carolina; and having practiced his profession for three years in and around the spot made hallowed by the blood of patriots shed at the "Battle of Alamance," where he has listened with enraptured delight to the narration of thrilling scenes and circumstances occurring previous to, during, and after the "Battle of Alamance" (all tending to make indelible impressions upon the tablet of memory), the author feels a willingness to "contribute his mite" to the store of accumulated materials relating to the "War of the Regulators" and the "Battle of Alamance" which at the hands of historians has never received due mention or proper credit. The author in this small volume has undertaken to prove that the Regulators were not, as Tryon and his sympathizers would have you believe, a mob made up of rowdy characters, but "the staunch yeoman of the province;" and that the "*Battle of Alamance*" WAS THE FIRST BATTLE OF THE AMERICAN REVOLUTION. And if his feeble efforts in this undertaking shall impart additional information, assist in elucidating the justness of the cause of the Regulators, and add to the already glorious history of the Old North



State, by causing the "Battle of Alamance" to be recognized as the first struggle for American Liberty and Independence, his highest aspirations will be amply gratified and his agreeable labors abundantly rewarded.

Many of the sketches and incidents herein recorded are original. Others, somewhat condensed, have been taken from Wheeler's "Historical Sketches;" "North Carolina Colonial and Revolutionary Records;" "Sketches of North Carolina," by Dr. Foote; Hunter's "Sketches of Western North Carolina;" "Revolutionary History of North Carolina;" Dr. Caruthers's "Life of Rev. Dr. Caldwell;" Maj. Joseph M. Morehead's "Address at Guilford Battle Ground;" Bancroft's "History of the United States;" Mrs. Lutie McCorkle in "North Carolina Booklet;" and "Old Time Stories of North Carolina," and others when falling within the scope of this work. To the authors of the above compilations the author acknowledges his indebtedness for much valuable data gleaned therefrom. "Like Ruth following the reapers of old, he has found scattered here and there 'handsful' of neglected golden grains, and having sifted them out, herewith presents his 'ephah of barley,' hoping it may be of use mentally to the present generation, as it was physically of old to the inhabitants of Palestine."

W. E. F.

Savannah, Georgia.

October, '04.

## INTRODUCTORY

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### ORIGINAL SETTLEMENTS IN THE PROVINCE OF NORTH CAROLINA AND THE CHARACTER OF HER PEOPLE.

In all ages and among all races there have been two elements which are well defined by the terms, when used in their broadest sense, "Cavalier" and "Puritan." The Puritan was a pessimist and represented the unfortunate, unsuccessful, unhappy and discontented of his race. The Cavalier was an optimist and represented the successful, happy, and contented of his race, and when the Roman legions could no longer successfully resist the Barbarians it was he who preserved in the dark ages the virtue and beneficent portions of the Roman civilization for the further uplifting of mankind in the Renaissance. They were both religious.

North Carolina, in the early days of her Colonial existence, was peopled by the Cavalier emigrants from the Continent and the British Isles. They were a practical people and

emigrated to America, not as refugees from civil, metaphysical, philosophical, or religious intolerance incident to that bitter controversial age, but to challenge new opportunities in fresh and undeveloped fields, and in search of fertile lands, that they might cultivate and reap the fruits thereof, with the avowed purpose of building a new state upon a new continent. They were a high-spirited people fully able to take care of themselves and to defend their rights and liberties in either the "old" or "new" world.

Later on the Province became the home of the oppressed of all nations; but Cavalier and Puritan alike prospered in this goodly land. They both came to the Province of Carolina to better their condition, and there is still and will always be in every country and in every race the Puritan element, which by its very discontent and determination to better its condition is always adding to the Cavalier element. The Puritan of today will be the Cavalier of the next decade.

The descendants of both Cavalier and Puritan have just reason to bless the kind Providence that guided their fathers in their wanderings to such a place of comparative rest, and in the words of Governor Berkeley of Virginia "to the land of Eden."



On the sandy banks of Roanoke Island, between Pamlico and Albemarle sounds, the English flag was first unfurled to the breeze of the new world. It was on this island the first expedition of Sir Walter Raleigh landed on July 4, 1584. "The fragrance of the flowers, as they drew near the island," says Amadas in his report to Queen Elizabeth, "was as if they were in the midst of some delicate garden, abounding in all manner of odoriferous flowers." Such, no doubt, it seemed to them during their sojourn on the island; and notwithstanding the disastrous termination of that and several succeeding expeditions, this same tide-water section of the Province of North Carolina has presented its peculiar fascinating attractiveness to many generations who have arisen, enjoyed its magnificent grandeur, and passed away. "In this same report is to be found mention of the celebrated Scuppernong grape, yielding its most abundant crops under the saline atmospheric influence and semi-tropical climate." Sir Walter Raleigh found growing on this island a vegetable of the night-shade family, the *Solanum tuberosum*, whose esculent tubers now form a part of the bill of fare for almost all nations—the *Irish potato*. It is said Sir Walter Raleigh carried a cargo of this new and strange vegetable to England in 1586

and brought them to the attention of Queen Elizabeth.

From the glowing description of the country in its primitive abundance, transmitted to Queen Elizabeth and her court, they named the new country Virginia, being discovered in the reign of a virgin Queen. But having failed in his several attempts to plant a colony on Roanoke Island, Sir Walter Raleigh surrendered his patent and gave up the problem of colonization.

In 1587, thirty years before the Pilgrims landed in New England, John White, who had visited the new world two years before with Captain Amadas of Raleigh's expedition, fitted out a colony of one hundred men with their wives and children and came to Roanoke Island. Landing on July 22, 1587, they found a few houses standing, left by the men of Sir Walter Raleigh's expedition, who had attempted a settlement two years before. They named the place "Fort Raleigh." On the 18th of August, 1587, was born the first white child of English parentage in the new world—Virginia, daughter of Annias and Elenor (White) Dare. This baby was the granddaughter of Gov. John White.

"In 1607, at Jamestown in Virginia, was established the first permanent English settlement (colony) in America. The charter of this

colony contained none of the elements of liberty, not even an elective franchise, and no rights of self-government; but it was clearly stipulated that the rights and doctrines of the Church of England should be adopted as the religion of the colony. The infant colony suffered many hardships—dissensions, threatened famine, and from the fear of unfriendly Indians; but through the energy of Capt. John Smith was enabled to maintain its stand and in due time to show signs of prosperity.

"In 1619, Lord Delaware, Governor of Virginia, seeing among the new settlers an impatient desire for liberty and the rights of self-government, convoked a provincial congress, the first ever convened in America, and restored to the settlers full rights as Englishmen. This guarantee of political rights led to rapid colonization. By various modifications of their Charter, in a few years the colonists obtained nearly all the rights and privileges which they could claim as British subjects, but the Church of England was coeval with the settlement at Jamestown, and seems to have been considered the religion of the colonists and the established church." (Hunter, *Sketches of Western North Carolina*.) The exact date the first permanent settlement was made in the Province of Carolina has not been ascertained. It is recorded that in 1622 the Secretary of the

Virginia Colony traveled overland to the Chowan River and described in glowing terms the fertile lands, the salubrious climate, and the kindness of the natives. In 1629 Charles I granted to Sir Robert Heath, under the name Carolina, the territory between 31 and 36 degrees North latitude, in which to plant colonies.

In 1643 Sir William Berkeley, Governor of Virginia, issued an ultimatum which "ordained that no minister should preach or teach publicly or privately, except in conformity with the doctrines of the church of England, and non-conformists were banished from the colony." (Bancroft, Vol. 1, p. 270.) Hunter in his sketches says it was natural to suppose that individuals as well as families, who disliked such religious persecution, would descend the streams until they found suitable soil in Carolina for locations where they could dwell in peace and happiness and serve God according to the dictates of their own conscience. In 1653 Roger Green led a company across the wilderness from Nansemond in Virginia to the Chowan River and settled near where the present town of Edenton now stands. There they prospered, and others, influenced by their success, soon followed. In 1662 George Durant purchased from the Yeopin Indians the neck of land on the north side of Albemarle Sound,

which still bears his name. In 1663 Governor Berkeley, of Virginia, visited the Chowan settlement, and was so well pleased with its prosperity that he decided to take it under his government, and appointed Mr. William Drummond as Governor of the Chowan settlement. Sir Robert Heath, having failed to make use of his grant issued by Charles I, embracing the lands from "sea to sea" between  $31^{\circ} 36' N.$ , it was revoked by Charles II in 1663 and patented to the Earl of Clarendon and seven other Lords Proprietors, and in 1665, upon request of the "County of Albemarle," or Chowan settlement, which wished to be out of the territory of Virginia, the territory of Carolina was increased to extend from  $29^{\circ}$  to  $36^{\circ} 30'$  north latitude, including the whole region from the present northern boundary of North Carolina to the St. John's River in Florida, including all of the present States of North Carolina, South Carolina, and Georgia, and a portion of Florida, extending from "sea to sea." These charters were liberal in the concession of civil rights and the proprietors were permitted to exercise toleration toward non-conformists if it should be deemed expedient. Flattering inducements were extended to new emigrants from abroad, and settlements steadily increased. They were allowed to set up a representative government with certain limitations, and thus a degree of



popular freedom was conceded, though not intended to be permanent—but *once permitted could never be recalled*. It had an important influence in producing an insatiable desire for and a determination to exercise the rights of freemen; principles which caused the organization of the Regulators and the rights for which they fought at "Alamance," and which we now enjoy. In 1667 Governor Drummond died and the Colony of Carolina was without a governor. The General Assembly was convened, the first to make laws for the Province of Carolina, and Samuel Stephens was chosen Colonial Governor. "Here," says Bancroft, "was a colony of freemen scattered among the forests, hermits with wives and children resting upon the bosom of nature, in perfect harmony with the wilderness of their gentle clime." The planters of the Albemarle settlement were men led to the choice of their residence from a hatred of restraint. Who doubts that these men were capable of self-government? Let those who do study the history of North Carolina. Its inhabitants were restless and turbulent in their imperfect submission to an oppressive government from abroad. The administration of the Province was humane and tranquil when left to themselves, but any laws not of their own making were oppressive.



"North Carolina was settled by the freest of the free and the bravest of the brave. The settlers were gentle in their tempers, of serene minds, enemies to violence and bloodshed. Not all of the successive revolutions had kindled vindictive passions. Freedom, entire freedom, was enjoyed without anxiety or without guarantees. The charities of life were scattered at their feet like the flowers of their meadows." (Bancroft, Vol. 2, p. 158.) "North Carolina was the most free and independent country ever organized by man. Freedom of conscience, exemption from taxation except by their own consent; gratuities in land to every immigrant and other equitable considerations claimed the prompt legislative action of the colonists. These simple laws suited a simple people, who were as free as the air of their country; and when oppressed were as rough as the billows of the ocean." (Wheeler's History of North Carolina, Part I, p. 30.) "In 1673 John Locke was employed by the Earl of Shaftsbury, one of the Lords Proprietors, to draft and prepare a constitution for the government of the Province of Carolina. He prepared an elaborate scheme, the 'Fundamental Constitution,' which provided for three orders of nobility and four houses of Parliament. It was never fully and successfully put into operation and was en-

tirely abandoned in 1693." (Hunter, Sketches of Western North Carolina.)

"In 1707 a company of Huguenots, as the French Protestants were called, settled on the Trent, and in 1709 the Lords Proprietors granted to Baron de Graffenreidt ten thousand acres of land on the Neuse and Cape Fear rivers for colonization purposes. In a short time afterwards a great number of Germans and about fifteen hundred Swiss followed the Baron and settled at the confluence of the Neuse River; the town was called 'New Berne,' after Berne in Switzerland, the birth place of De Graffenreidt. This was the first important introduction into the eastern section of the Province of a most excellent class of liberty-loving people, whose descendants, wherever their lots were cast in our country, gave illustrious proof of their valor and patriotism during the Revolutionary War.

"On September 21, 1711, the Tuscarora Indians fell upon the settlements along the Roanoke, Pamlico, and Neuse rivers and massacred several hundred of the inhabitants and burned their villages. For three days the savages made war with fire and tomahawk, until stopped by aid sent from Virginia and South Carolina to assist Governor Edward Hyde in subduing the Indians. In 1718 a treaty of

peace and friendship was entered into by the planters and the Tuscaroras.

"In 1729 the Lords Proprietors, with the exception of Lord Granville, surrendered to the British Government the Province of Carolina and its government with all its franchises under the patent of Charles II, and their property in the soil, for 2,500 pounds sterling. The population at that time did not exceed ten thousand inhabitants. George Burrington was governor at the time the sale was made, and on recommendation of the Lords Proprietors the Crown reappointed him the first Royal Governor of the Colony of North Carolina. In February, 1731, he officially wrote the Duke of New Castle; 'The inhabitants of North Carolina are not industrious, but subtile and crafty to admiration; always behaved insolently to their governors; some of them, they have imprisoned; drove others out of the country and at other times have set up a governor of their own choice supported by men under arms. These people are neither to be cajoled or outwitted. Whenever any governor attempts to effect anything by such means he loses his time and labor and shows his ignorance.' "

Lord Granville's portion of the colony of Carolina was not laid out in severalty for him until 1734. His portion, being one-eighth, was adjoining the southern boundary of the Prov-

ince of Virginia. At this time a strong tide of emigration was moving toward the western hills, from the Chowan and Roanoke settlements. Already adventurous individuals and even families of hardy pioneers had extended their migrations as far west as the head waters of the Yadkin and Catawba Rivers.

"In 1734 Gabriel Johnston, a Scotchman by birth, and a physician by profession, once a professor of Oriental Languages in the University of St. Andrew, a man of broad mind and liberal views, was appointed Governor, under whose prudent administration the province increased in population, wealth, and happiness. At the time of its purchase by the Crown the population did not exceed 13,000; it was now more than 45,000. About this date a tide of migration began to pour into the Province from Virginia and Maryland. A company from Virginia, headed by James Crump and his son Rowland, a mere lad, settled on the Yadkin River near the mouth of the little Yadkin. Col. Jacob Byrd, of Virginia, with a party of followers located on the Hyco in North Carolina, just across the Virginia line about twenty miles. Nehemiah Hearne, from Summerset, Maryland, emigrated to the Province and located at the junction of Rocky River with the Great Yadkin. In 1752 the Moravians from Wachovia, in Germany, settled the town of Salem. Their first

settlement was called 'Bethabara;' the first house erected, however, was their church, on which they placed a bell brought from Wachovia.

"In 1754 Arthur Dobbs was appointed Governor by the Crown. His administration of ten years presented a continued contest between himself and the legislature on frivolous and unimportant matters; his high-toned-temper for Royal prerogatives was sternly met by indomitable resistance on the part of the colonists. The people were grievously oppressed by Lord Granville's land agents, Childs and Corbin. The latter was seized and carried to Enfield, where he was compelled to give bond and security to produce his books and disgorge his illegal fees. During the entire administration of Governors Johnston and Dobbs, commencing in 1734 and ending in 1765, a strong tide of emigration had been pouring into the Province of North Carolina from two opposite directions. One current from Pennsylvania, passing down through Virginia, forming settlements, and another current coming from the South, was spreading over the inviting lands and expansive domains of the Carolinas. Near the close of Governor Johnston's administration numerous settlements had been made on the beautiful plateau country between the Yadkin and Catawba Rivers. In 1756 Fort Dobbs

was built, about twenty miles west of Salisbury, for the protection of settlers in this territory.

"In 1764, Governor Dobb's health beginning to fail, he was given a furlough and William Tryon was commissioned Lieutenant-Governor on October 27, 1764, and on the death of Governor Dobbs, April 3, 1765, he qualified as Governor, Commander-in-Chief, and Captain-General of the Province of North Carolina. Tryon was a soldier by profession and looked upon the sword as the true sceptre of government. [See Appendix A.] He knew when to flatter and when to threaten; he knew when discretion was the better part of valor; and when to use such force and cruelty as achieved for him from the Cherokee Indians the bloody title of 'The Great Wolf of North Carolina.' He could use courtesy toward the Assembly, when he desired large appropriations for his magnificent palace; and knew how to bring to bear the blandishments of the female of society of his family, and all the appliances of generous hospitality." (Wheeler's History of North Carolina, part 1, p. 49.)

On March 22, 1765, Great Britain passed the odious Stamp Act. This act produced great excitement throughout the Province. Meetings of the people were held, who, with a unanimity never before heard of, declared they would not submit to the law. The Speaker in the General Assembly then in session told the Governor the law would be resisted to "blood and death."



In 1765 the British sloop *Viper*, with the stamp paper aboard, accompanied by the British man-of-war *Diligence*, carrying twenty-one guns, arrived at Brunswick. Colonel Ashe, at the head of a concourse of people, proceeded to the Governor's mansion, demanded and arrested Dr. William Houston, the stamp agent for the Province, and compelled him to take oath never to perform the duties of his office. (See Appendix B.) The event of greatest historic importance during Tryon's administration was the organization and revolution of the Regulators and the "Battle of Alamance," the first battle for American liberty and independence. It is not deemed necessary here to enter into details of the circumstances leading to this unfortunate occurrence. The reader will find in the succeeding chapters a full history of the revolution of the Regulators. Many true patriots, who did not comprehend the magnitude of their grievances, fought against them. But the principles of right and justice for which they fought could never die. In less than four years all the thirteen colonies were found battling for the same principles, and borne along on the rushing tide of revolution. The men on the seaboard of Carolina, with Colonels Ashe and Waddell at their head, nobly opposed the Stamp Act in 1765, and prevented its execution. The patriotic people of



Orange, Granville, and Anson counties in 1766 organized themselves into the famous Regulators to enforce their rights and liberties. (See Appendix C.) The men on the seaboard looked for evils from across the waters, and were prepared to resist oppression on their shores before it should reach the soil of the State. The western men were seeking redress for grievances that oppressed them at home, under the misrule of all officers, from the Governor down. Had Waddell, Ashe and Caswell understood all the circumstances, and the yoke of oppression which the Regulators had to bear, they would have acted like Thomas Person of Granville, James Hunter, Harmon Husband, and others of Orange, and favored the distressed, even though they might have felt under obligations to maintain peace and uphold the dignity of the law. "Harmon Husband, the leader of the Regulators, has been denounced by Tryon's apologists as a turbulent and seditious character. If such he was, then John Ashe and Hugh Waddell, for opposing the Stamp Act laws, were equally seditious and turbulent." (Hunter, *Sketches of Western North Carolina*.)

The next greatest event in the provincial history of North Carolina was the Mecklenburg Declaration of Independence, signed and proclaimed on May 20, 1775, at Charlotte, North Carolina.

## CHAPTER I

---

Early Settlers Inherited Liberty-loving Spirits Which Their Fathers and Forbears of Old Fought for With Cromwell on English Soil; the Province of North Carolina from 1735 to 1740; Unlawful Taxes and Oppressive Government; Want of a Circulating Medium; William Tryon Commissioned Governor, 1764; Passage of the Stamp Act, 1765; Arrival of the Sloops "Diligence" and "Viper"; Governor Tryon's Barbecue; Duel of Simpson and Whitehurst; Boston Tea Party; the Building of the Governor's Palace at Newberne and Description of the Edifice.

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"At length the thrill of action drew forth an errand of war, the long-smothered passions which so slowly deepened into a settled conviction that peace could never smile upon the Province of North Carolina while the supremacy of Great Britain endured. Multiply all assumptions of superiority, all public tokens of contempt, all enforcements of unpalatable law, all restraints upon provincial commerce, and all espionage upon the brainwork which really wrought in behalf of peace, seeking a fair reconciliation, with guarantees of representation and personal rights, and their product represents that incubus whose dead weight was upon

the colonists. It is a historic statement that, the longer a burden remains, the heavier it is felt. It fretted, then aroused, then inspired, and at last set free the pent-up fires which cast it off forever. Rocked to and fro by the heaving of the heart it would smother, at last it was compelled to increase in force in proportion as the real vitality of a true soul-life pervaded its nature."

British will was as firm and daring in the child as with the parent.

The legacies of English law, the inheritance of English liberty were inherited by the colonists—their eradication or withdrawal was impossible. The time had passed for compromise or termination of their enjoyment. The issue long before fought out on English soil by Cromwell was bearing fruit in an English ascendancy to be renewed under new conditions. And the authority which might have gladly welcomed the prodigious elasticity and growth of the American dependencies as the future glory of Great Britain was used to convert the filial relation into slavery.

"The love of country springing up from the rich soil of domestic affections is a feeling coextensive with social union itself. Although a dreary climate, barren lands, treacherous Indians, and unrighteous laws, wickedly administered, may repress the luxurious growth of



this sentiment, it will still maintain firm root in the heart and bear with patience most cruel wrongs. When exiled from his fatherland he yearns for it as a child yearns for home, and though he may, by legal oath, renounce and disclaim allegiance to his own and swear fealty to another government, yet the invisible links of patriotism which bind him to his country cannot be severed, his lips and his hands bear false witness against his truthful heart."

Stronger, far, is the sentiment in the bosom of him whose country is a pleasant land, where nature in glorious beauty and rich beneficence woos him on every side; where education quickens into refining activity the intellect of society and where just laws, rightly administered, impress all possessions, whether of property or character, with the broad seal of security. An honest justified pride elevates the spirit of the citizen of a land so favored; makes him a vigilant guardian of its rights and honor; and inspires him with a profound reverence for the heroes and their valorous deeds consecrated by the opinions of the just as the basis upon which its glory rests.

In the Province of North Carolina from 1735 to 1740, while Governor Johnston was in power, Lord Granville's land agents were making trouble with the colonists, and the lawful taxes were many times multiplied by the tax gather-

ers. There was a lack of currency, no gold or silver, and barely enough English money to pay taxes. Contentions were arising between the rulers and the ruled. (Col. Rec., Vol. 8, pp. 395, 396.)

When William Tryon was commissioned Lieutenant-Governor of the Province of North Carolina on October 27, 1764 (and on the death of Governor Dobbs, April 3, 1765, he qualified as Commander-in-Chief and Captain-General of the Province of North Carolina), like Rehoboth of old he made the burdens of the colonists more grievous. He denied many of the western counties the right of representation and vetoed the acts of the General Assembly at will. (Col. Rec., Vol. 7, pp. 146, 283, 539.)

About 1765 the British Parliament asserted the right to tax the colonists without their consent, and early in 1765 was passed the odious Stamp Act. From one end of the Province to the other meetings of the people were held, in which their indignation was forcibly expressed, and with a unanimity never before equaled, before or since, they declared they would not submit to the law.

On the 28th of November, 1765, the British man-of-war *Diligence*, carrying twenty-one guns, accompanied by the British sloop-of-war *Viper*, arrived at Brunswick in the Colony of North Carolina, with the stamps on board, but





**Stamp Act Riot at Newberne in 1765.**

**Facing page 36.**



her arrival having been anticipated for some time, an armed force from Brunswick and New Hanover counties was on the ground ready to resist the landing of the stamp paper. (Colonel Waddell in North Carolina Booklet, June 10, 1901.)

Two weeks prior to this date, a body of men, on learning that Dr. William Houston, the stamp distributor, was a guest at the Governor's Mansion, surrounded that place and requested to speak with the stamp distributor; this Governor Tryon refused. The people then began to make preparations to burn the mansion. When Tryon realized their intentions he asked the leader into his residence. He boldly entered and in a few moments returned with Houston, the stamp distributor. Governor Tryon was then made prisoner in his palace, while Houston was taken to Wilmington and carried before the Mayor, Moses John de Rossett, and the Board of Aldermen, in the Court-House, where he was forced to take oath that he would never offer for sale within the borders of the Province of North Carolina any of the King's stamp paper. Here is Houston's resignation and comments on same, as published in North Carolina Gazette:



COPY OF MR. WILLIAM HOUSTON'S RESIGNATION OF HIS  
OFFICE OF STAMP DISTRIBUTOR FOR THE PROVINCE  
OF NORTH CAROLINA.

I do hereby promise that I will never receive any Stamped paper which may arrive from Europe in consequence of any Act lately passed in the Parliament of Great Britain, nor officiate in any means as Stamp Master or Distributor of Stamps within the Province of North Carolina, either directly or indirectly, and I do hereby notify all the inhabitants of His Majesty's province of North Carolina, notwithstanding my having received information of my being appointed to the said stamp office, not to apply hereafter for any stamp paper, or to distribute the same until such time as it will be agreeable to the inhabitants of this Province: Hereby declaring that I do execute these presents of my own free Will and Accord, without any Equivocation or mental reservation whatsoever

In witness whereof I have hereunto set my hand this 16th day of November, 1765.

WM. HOUSTON.

(Reprinted from *North Carolina Gazette*, 20th November, 1765.)

(November 20.)

(Numb. 58.)

*North Carolina Gazette.*

WILMINGTON, November 20, 1765.

On Saturday, the 19th of last month, about Seven of the Clock in the evening, near Five Hundred People assembled together in this town, and exhibited the effigy of a certain HONOURABLE GENTLEMAN; and after letting it hang by the Neck for some Time, near the Court-House, they made a large Bonfire with a Number of Tar Barrels, &c., and committed it to the flames. The

reason assigned for the People's dislike to that Gentleman, was, from being informed of his having several times expressed himself much in favour to the STAMP-DUTY. After the Effigy was consumed, they went to every House in Town, and bro't all the Gentlemen to the Bonfire, and insisted upon their drinking, LIBERTY, PROPERTY, and no STAMP-DUTY, and confusion to Lord B—te and all his adherents, giving three Huzzas at the conclusion of each Toast. They continued together until 12 of the Clock, and then dispersed without doing any Mischief. And on Thursday, 31st of the same Month, in the evening, a great Number of People again assembled, and produced an Effigy of Liberty, which they put in a coffin, and marched in solemn Procession with it to the Church Yard, a Drum in mourning beating before them, and the Town Bell, muffled, ringing a doleful Knell at the Same Time: But before they committed the Body to the Ground they thought it advisable to feel its Pulse; and when finding some Remains of life, they returned back to a Bonfire ready prepared, placed the Effigy in a large Two-arm'd Chair, and concluded the evening with great Rejoicings, on finding that LIBERTY had still an existence in the *colonies*. Not the least injury was offered to any person.

On Saturday, the sixteenth of this Inst., Dr. William Houston, Esq., Distributor of STAMPS for this Province, came to this Town, upon which three or four Hundred People immediately gathered together, with Drums beating and Colours flying, and repaired to the House where the said Stamp Officer put up at, and insisted upon knowing "Whether he intended to execute his said Office or not?" He told them "that He should be very sorry to execute any Office disagreeable to the People of the Province." But they, not content with such a Declaration, carried him to the Court-House, where he signed a Resignation satisfactory to the whole.

As soon as the STAMP-OFFICER had comply'd with their desire, they placed him in an Arm-Chair, carried him first around the Court-House, giving three Huzzas at every corner, and then proceeded with him around one of the squares of the town, and sat him down at the door of his Lodgings, formed themselves in a large Circle round him, and gave three Cheers. They then escorted him into the House, where was prepared the best Liquors

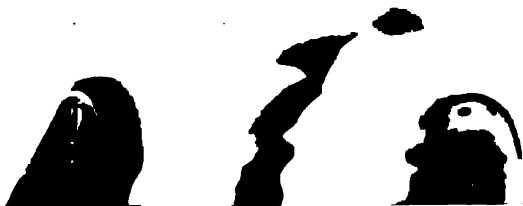
to be had, and treated him very genteelly. In the evening a large Bonfire was made, and no person appeared in the Streets without having LIBERTY, in large capital letters, in his Hat. They had a large Table near the Bonfire, well furnish'd with several Sorts of Liquors, where they drank in great Form all the favorite AMERICAN Toasts, giving three Cheers at the conclusion of each. The whole was conducted with great Decorum, and not the least insult offered to any person.

Immediately after the appointed STAMP-MASTER had comply'd with their COMMANDS, they called upon Mr. A. STUART, the *printer* (who had not printed the *Gazette* for some weeks before the STAMP-ACT took Place, it having pleased God to afflict him with a dangerous fever). When he appeared they ask'd him if "He would continue his Business, as heretofore, and publish a Newspaper?" He told them that "As he had no stamp'd paper, and as a late ACT of *Parliament* FORBID the printing on any other paper, *He could not.*" He was then positively told that "IF HE DID NOT, he might expect the same treatment of the STAMP MEN," and demanded a positive answer. Mr. Stuart then answer'd, "That rather than run the Hazard of Life, being maimed, or have his Printing Office destroy'd, that he would comply with their Request;" but took the WHOLE for witness, that he was compelled thereto.

His Excellency our GOVERNOR has been for some time ill of health: but we have the pleasure to say he is now recovering.

Circular letters were sent last week by the Governor to the Principal Inhabitants in this part of the Province, requesting their Presence at his Seat in Brunswick, on Monday last; where, after dinner, his Excellency conferr'd with them concerning the STAMP-ACT, the Result of which shall be in our next.

We hear from New Berne, that the inhabitants burn'd Doctor William Houston in Effigy during the sitting of their Superior Court. Mr. Houston, however, thinks there was too much of the Star Chamber Conduct made Use of, in condemning him unheard; especially as he had never solicited the office. Nor had he then heard he was appointed STAMP-OFFICER. At Cross-Creek, 'tis said, they hanged his Effigy and Mr. Carter's together



(Carter murdered his own wife), nor have they spared him in Duplin County, his home.

We are told that no clearances will be granted out of our Port till a Change of Affairs.

(Colonial Records of North Carolina, Vol. VII, pp. 124, 125, 126.)

After Dr. Houston was released he returned to the palace to comfort his dejected and dis-comfited master. (Colonel Waddell in North Carolina Booklet, June 10, 1901.)

On the arrival of the *Diligence* and *Viper* the armed force under command of Col. Hugh Waddell and Col. John Ashe took up arms against the British man-of-war and would not permit the officers to land a single piece of the King's odious stamp paper within the borders of the Province of North Carolina. They also forced them in February, 1766, to release several small vessels they had seized for not carrying stamp paper.

The amazed Governor sought to conciliate the enraged colonists by an ostentatious parade of hospitality. He caused three oxen to be roasted whole, a load of bread, and several barrels of beer to be provided as a feast for the common people. They attended on his invitation, but not to participate in nor partake of his hospitality, but only to throw the untasted barbecue into the Cape Fear River, to burst the barrels and empty the beer upon the ground. The officers of the *Diligence* espoused the cause

of the Governor, and a general fight ensued, and during the excitement Thomas Whitehurst, a relative of Mrs. Tryon, was killed. He fell in a duel with Simpson, master of the British sloop *Viper*, who took the side of the colonists. (Lossing, *Field Book of the Revolution*.)

The people gave three hearty cheers for North Carolina and quietly dispersed. Here is an act of North Carolina's sons worthy of all Roman or Grecian fame. It was then that the Royal Governor realized the character of the colonists he had to deal with. He and his party were much chagrined and insulted, and writhed under the mockery, and from that hour the Governor sought to annoy and oppress the colonists.

Eight years after this (December, 1773), a party of forty or fifty men, disguised as Mohawk Indians, under cover of darkness, and without any resistance, boarded a British ship in Boston Harbor, containing a consignment of tea, and throwing the chests of the cargo overboard into the sea, came ashore echoing their bravery, which made the "Boston Tea Party" famous.

This "Boston Tea Party" has been celebrated by every writer on National history and

"Pealed and chimed on every tongue of fame."



"North Carolina's children are taught to read it in their daily lessons; it adorns the picture books of the nurseries, and is chronicled in the remotest points of the republic."

Here is an act of the sons of "Old North Carolina" not committed on a harmless merchant vessel, nor on the crew of a freight ship; not done under any disguise or mask, but on the representative of Royalty itself, commanding a man-of-war of King George's Navy, on the one hand, and on the King's Royal Governor in his palace on the other, and in the open daylight, by well-known men of reputation; much finer and more decided in its character, more daring in its action, more important in its results; and yet not *one-half of her sons have ever read of this exploit*. Why? Because it is not recorded in history, for the reason that our histories are written by Northern historians.

"There are deeds that should not pass away  
And names that must not wither; tho' the earth  
Forgets her empires with a just decay,  
The enslavers and enslaved, the death and birth."

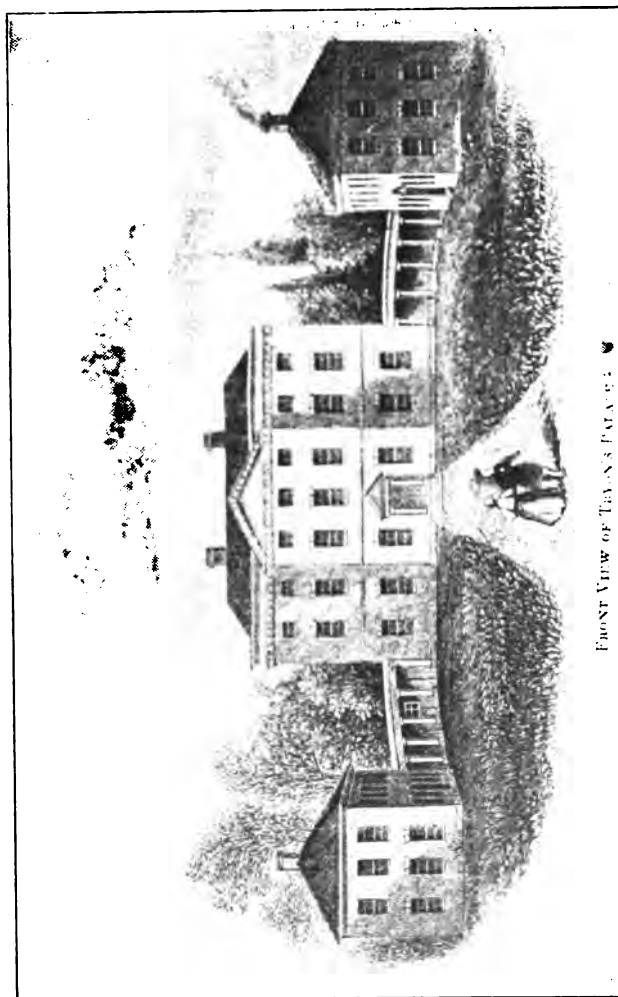
"Men will not be able to fully understand North Carolina until they have opened the *treasures of her history* and become familiar with the daring deeds of her brave sons before and after the 'War of the Regulators.' The names of those who participated in these trying

scenes are still preserved in North Carolina by their descendants, who are distinguished, as were their ancestors, by their intellect and proprieties."

William Tryon, prior to his appointment as Lieutenant-Governor of the Province of North Carolina in 1764, held an office in the British Army. (See Appendix A.) He secured his commission, it is said, through the influence of his sister, Miss Tryon, a maid-of-honor to the Queen. The Governor's tastes and desires for luxury were gratified in 1767 by carrying out his scheme of taxing the colony to erect a palace, and to accomplish his plans he devoted all the intrigue of the politician and the boldness of the soldier by taxing the Colonists 20,000 pounds sterling (\$100,000) to build his palace at Newberne, the capital. (Wheeler's History of North Carolina.)

To a people in an embryonic state of society with but few resources and less money, this bold determination on the part of the Governor to gratify his royal vanity was productive of serious results.

The building at this date was superior in beauty, finish, and architectural design to anything of its kind in either North or South America. (Wheeler's History of North Carolina.) Judge Martin says he visited this edifice in 1783 in company with the unfortunate Gen.



FRONT VIEW OF TRYON'S PALACE.

Front View of Tryon's Palace.





Don Francisco de Miranda, of South America, who stated that "even in South America, a land of palaces, it had no equal."

The edifice stood at the foot of St. George Street. The view given in the illustration was from the north front of the building toward the town. The center edifice was the palace, the right wing was the secretaries' offices, the left wing was the kitchen, store-rooms and servants' dormitory. The wings were connected with the palace by a covered curviform colonnade of five columns each. Between these wings and in front of the palace was a handsome court. The rear of the building was finished after the style of the Mansion House in London. The building was constructed of brick and marble imported from England. The cornices and mantles in the council-chamber, dining-hall, ball-room, and drawing-rooms were made of beautifully carved Italian marble. The great hall contained four niches for statuary. The palace was burned in 1798, though the foundation walls and the right wing are still standing.

Governor Tryon dedicated his palace to his friend Sir William Draper, who is said to be the author of the lines placed over the door of entrance:

"Rege pio felix diris inimica tyrannis  
Vertuti has aedes libera terra dedit,  
Sint domus et dominus saeculis exempla futuris,  
Hic astes mores, jura legesque colnat."

When translated into English verse from Francis Xavier Martin's History of North Carolina it reads as follows:

"In the reign of a monarch who goodness disclaimed  
A free and happy people, to dread tyrants opposed,  
Have to virtue and merit erected this dome.  
May the owner and household make this their loved  
home,  
Where religion, the arts, and the laws may invite  
Future ages to live in sweet peace and delight."

How complete a burlesque upon its origin, object and tendency! But its princely halls offered little comfort to its vain occupant, for while he was feasting, wining, and dining to the pleasant strains of music, the colonists were becoming more restless under the Yoke of oppression which he had forced upon them.

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## CHAPTER II

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Harmon Husband, Member of General Assembly from Orange County; His Arrest While Attending Meeting of General Assembly; Governor Tryon's Proclamation to Weaken Organization of the Regulators; the Causes Leading to the Confederation of the Regulators; Proofs That the Regulators Were Justifiable in Their Acts and that They Had Just Cause for Grievances; the Royal Governor's Reports to Lord Dartmouth; Convention of Regulators and County Officers at Mrs. Steele's Inn at Salisbury on March 7, 1771; Governor Tryon's Letter to Maurice Moore Pertaining to This Meeting; Unequal Representation of Western Counties as Compared With Eastern Counties; the Atticus Letter; the Sheriff of Orange County Sells "Home-spun" Dress at Auction from a Poor Woman's Back for Her Husband's Taxes.

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In 1769, 1770 and 1771 Harmon Husband was a member of the Lower House of the General Assembly from Orange County, but his presence was, of course, not very agreeable to the Governor, and his conduct while there, if accounts be true, was not calculated to conciliate one of Tryon's temper. The continued extortions of sheriffs and other county officers led to the assembling of the people to discuss the abuses of power, seeking redress for their

grievances. We reproduce here the "advertisements of their four (4) first meetings."

(REGULATOR ADVERTISEMENT NO. 1.)

August, 1766.

Whereas that great good may come of this great designed Evil, the Stamp Law, while the sons of Liberty withstood the Lords in Parliament in behalf of true Liberty, let not Officers under them carry on unjust Oppression in Our own Province in order thereunto, as there is many Evils of that nature complained of in this County of Orange in private amongst the Inhabitants thereof; let us remove them (or if there is no cause), let us remove the jealousies out of our minds.

Honest Rulers in power will be glad to see us examine this matter freely; there is certainly more honest men among us than rogues, & yet rogues is harbored among us sometimes almost publicly; every honest man is willing to give part of his substance to support rulers and laws to save the other part from rogues, and it is his duty as well as right to see and Examine whether such rulers abuse such trust, otherwise that part so given may do more hurt than good, even if all were rogues; in that case we could not subsist, but would be obliged to frame laws to make ourselves honest, and the same reasoning holds good against the notion of a Mason Club: this tho' it must be desired by all or the greatest number of men, yet when grievances of such public nature are not redressed, the reason is everybody's business is Nobody's; therefore the following proposals is offered to the publick:

*An Advertisement.*

Let each Neighborhood throughout the COUNTRY meet together and appoint one or more men to attend a general meeting on the Monday before the next November Court at a suitable place, where there is no Liquor to be had (at Maddock's Mill, if no objection), at which meeting let it be judiciously inquired whether the free men of this Country labor under any abuses of power or not, and let the same be notified in writing if any is



found, and the matter freely conversed upon and proper measures used for amendment; this method will certainly cause the wicked men in power to tremble, and there is no damage can attend such a meeting, nor nothing hinder it but a cowardly, dastardly Spirit, which if it does in this time while Liberty prevails, we must mutter and grumble under any abuses of power until such a noble spirit prevails in our posterity; for take this as a maxim, that while there are men, though you should see all those "Sons of Liberty" (who has just now reduced us to Tyranny) set in Offices and vested with power, they would soon corrupt again and oppress, if they were not called upon to give an account of their Stewardship.

(Col. Rec. of N. C., Vol. VII, pp. 249, 251.)

(REGULATOR ADVERTISEMENT NO. 2.)

At a meeting of the Neighborhood of Deep River, the 20th of August, 1766, unanimously agreed to appoint Wm. Cox and Wm. Masset to attend a general meeting on the first Monday before the November Court, at Maddox Mill, on Enoe River, where they are to judiciously examine whether the true men of the country labor under any abuses of power, and in particular to examine into the Publick Taxes, and inform themselves of every particular thereof, by what Law and for what uses it is laid, in order to remove some jealousies out of our minds; and the representative vestrymen and other Officers are requested to give the members of said meeting what information and satisfaction they can, so far as they value the good will of every honest Freeholder and the executing of public offices pleasant and delightsome.

(REGULATOR ADVERTISEMENT NO. 3.)

At a meeting of the Inhabitants of Orange County on the 10th of October, 1766, for a conference of Publick Affairs with our representatives and vestrymen, &c., it was the judgment of the said meeting that by reason of the extent of the County no one man in a general way was known by above 1-10 men of the inhabitants, for which reason such a meeting (for a Public and free Conference yearly, and as often as the case may require), was absolutely necessary in order to reap the profit de-

signed us in that part of our Constitution of choosing representatives and knowing of what uses our money is called for.

We also conceive such a representative would find himself at a loss to answer the designs of his constituents if deprived of consulting their minds in matters of weight and moment. And whereas at the said meeting none of them appeared, tho' we think properly acquainted with our appointment and request, yet as the thing is somewhat new in the County, though practised in older Governments, they might not have duly considered the reasonableness of our request. We therefore conclude that if they are hereafter inclinable to our requests, and answer it, we will attend them at some other time and place, on their giving us proper notice. It is also our judgment that on further mature deliberation the Inhabitants of this County will more generally see the necessity for such a conference and the number increase in favour of it to be continued yearly.

Ordered that a copy of the above be delivered to each of our representatives & another Copy set up in Publick at next General Muster.

Their objection sent was because we had used the word Judiciously.

(Col. Rec., Vol. VII, pp. 251, 252.)

#### (REGULATOR ADVERTISEMENT NO. 4.)

We, the underwritten subscribers, do voluntarily agree to form ourselves into an Association to assemble ourselves for conferences for regulating Publick Grievances and Abuses of Power in the following particulars, with others of like nature that may occur :

1st. That we will pay no taxes until we are satisfied they are agreeable to Law and Applied to the purpose therein mentioned, unless we cannot help and are forced.

2nd. That we will pay no Officer any more fees than the Law allows, unless we are obliged to do it, and then to show a dislike to it & bear open testimony against it.

3rd. That we will attend our meetings of Conference as often as we conveniently can or is necessary in order to consult our representatives on the amendments of such Laws as may be found Grievous or unnecessary, and to choose more suitable men then we have heretofore done

for Burgesses and Vestrymen, and to petition His Excellency our Governor, the Hon'ble Council and the Worshipful House of Representatives, His Majesty in Parliament, &c., for redress of such grievances as in the course of this undertaking may occur, and inform one another & to learn, know and enjoy all the Privileges & Liberties that are allowed us and were settled on us by our worthy ancestors, the founders of the present Constitution, in order to preserve it in its Ancient Foundation, that it may stand firm and unshaken.

4th. That we will contribute to collections for defraying necessary expenses attending the work according to our abilities.

5th. That in cases of difference in judgment we will submit to the Majority of our Body.

To all of which we do solemnly swear, or, being a Quaker or otherwise scrupulous in Conscience of the common Oath, do solemnly Affirm that we will stand true and faithful to this cause until We bring them to a true Regulation according to the true intent & meaning of it in the judgment of the Majority.

(Col. Rec., Vol. VII, pp. 672, 673.)

The Regulators organized first in April, 1766, in Orange County, had refused partly by the influence of Harmon Husband to pay the taxes demanded by the sheriffs and he undertook to act as sheriff by collecting the exact amount of tax lawfully due from every Regulator in the county, and took it with him to the Capitol. When the two houses were in session and when his name was called as a member from Orange County, Governor Tryon, in a haughty tone, demanded the reason why the King's subjects in his county had refused to pay their taxes. Walking to the Speaker's desk with the firmness, plainness, and boldness of a Quaker, and



throwing a bag of specie on the table in front of the Governor, Husband replied, "Here, sir, are the taxes which my people refused your roguish sheriff." (Lossing, *Field Book of the Revolution*, Vol. 2, p. 571; Dr. Caruthers's *Life of Dr. Caldwell*, p. 575.) "I brought it to keep it from dwindling, seeing that when money passes through so many fingers, it, like a cake of soap, grows less at each handling. The people have sent it down by their commoner and I am now ready to pay it over to the treasurer if he will give me a receipt to show my people that the money has been paid."

This incident shows that the Colonists were willing to pay just and honest taxes, and it also shows their confidence in Husband, who afterwards became one of the foremost leaders of the Regulators.

The Governor eyed him with contempt and wanted to have him arrested on various pretexts. Calling his Council together he submitted the propriety of it to their consideration, but they disapproved; however, *at his request*, Chief Justice Martin Howard, who, as it appears, was also a member of the Council, issued a warrant for his apprehension and committed him to jail in Newberne (Col. Rec. of N. C., Vol. 8, pp. 9, 546), where he was confined for some days, but he was released when the Governor heard that a band of Regulators,



Husband Tossing the "Taxes" on the Table Before the Governor.

Facing page 52.



about 2,000 strong, had crossed Haw River and were on their way to the Capital to take him from prison. (Col. Rec. of N. C., Vol. 8, pp. 500, 646.)

In order to weaken the organization of the Regulators, Governor Tryon had Orange County divided, and erected three new counties (Col. Rec. of N. C., Vol. 8, pp. 341, 481) one, of parts of Orange, Cumberland and Johnson—called Wake County; another of parts of Rowan and Orange—called Guilford County; another from parts of Anson and Orange—called Chatham County. He also had an act passed (Appendix C) making it unlawful for any number of persons above ten meeting together, and issued a proclamation to merchants and others prohibiting them from selling or supplying any person or persons with powder, shot, or lead until further notice. (Col. Rec. of N. C., Vol. 8, p. 481; Lossing, Field Book of the Revolution, Vol. 2, p. 575.)

\*The causes that led to the confederation of the Regulators were: First, The want of a circulating medium sufficient in volume for the

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\*Colonel Joseph M. Morehead, in an address delivered at Guilford Battle-ground, July 3, 1897, "On the Life and Times of James Hunter," "General" of the Regulators, defends the cause of the Regulators, evincing a research unsurpassed by any writer, and so just to North Carolina and the cause of the oppressed Regulators that I hope to be pardoned for drawing almost

needs of the province; England prohibiting the colony from emitting a currency that all knew to be essential to its progress. Second, Extravagant taxation by the Governor and the legislature, and the failure rightfully to apply and account for the taxes raised. Third, Religious intolerance. Fourth, The speculation and extortion upon the people of officials from the Chief Justice down. (Col. Rec. of N. C., Vol. 7, 9 and 10, Pref. Notes.)

We can do the truth of history no greater service than to point honest inquiry to the prefatory notes of the Colonial Records of North Carolina by the late gifted and patriotic William L. Saunders. (Vols. 7, 8, 9 and 10.)

From these rather recent reproductions of the originals in the British archives and elsewhere, a few extracts will prove that from the beginning to the end of these troubles right and justice were on the side of the Regulators, their enemies being their judges. We quote first from Lord Tryon himself.

In a letter—misleading, explanatory, and apologetic upon its face—he writes the home government in England and says:

entirely upon it for the facts which led to the organization of the Regulators. Colonel Morehead has exhausted the sources of information on this portion of the Colonial History of North Carolina, and nothing can be added to it; and as far as the writer can judge, nothing can be taken from it without marring the truth.

"To say that the insurgents had not a color for their shewing dissatisfaction at the conduct of their public officers would be doing them an injustice; for on a prosecution in the Superior Court carried on by the Attorney-General by virtue of my directions, both the register and clerk of the court were found guilty of taking too high fees." (Col. Rec. of N. C., Vol. 7, p. 884; see Copy of Court Records, p. 169.)

The officer here found guilty of extortion and corruption in office was the infamous Edmund Fanning. An advisari was taken by the court and the culprit never punished, though three Regulators, "all that were tried" (Col. Rec. of N. C., Vol. 7, p. 885), were convicted, fined heavily, and imprisoned—and Fanning was advanced by Tryon.

Governor Josiah Martin succeeded Tryon in the governorship of the Province in August, 1771, just after the Battle of Alamance, fought on the 16th of May preceding. Governor Martin, though commissioned several months previously, failed, because of sickness, to arrive within the Province until the 11th of August. Meanwhile the battle had been fought and Tryon had gone to New York. On the 15th, four days after his arrival in Newberne, Martin wrote the home government in regard to the recent suppression of the Regulators and Tryon's connection therewith as follows:

"The ability and address with which that gentleman has acquitted himself leave me nothing to lament on the public account, but for myself I feel sensibly in being precluded all share of the honor attending this very seasonable and glorious exertion of the loyal spirit of this Province, so happily directed by Mr. Tryon to secure respect to the laws and to give vigor and stability to his Majesty's government," etc. (Col. Rec. of N. C., Vol. 9, pp. 16, 17.)

But the next August, 1772, Martin visited Hillsborough and Guilford, the "hot-bed" of the Regulators, according to Tryon, and on the 30th of that August he wrote home to this effect:

"My progress, my Lord, through this country has opened by eyes exceedingly with respect to the commotions and discontents that have lately prevailed in it. I now see most clearly that they have been provoked by insolence and cruel advantage taken of the people's ignorance by mercenary, tricky attorneys, clerks, and other officers, who have practiced upon them every sort of rapine and extortion. Having brought upon themselves their (the people's) just resentment, they engaged government in their defense by artful misrepresentations, so that the vengeance of the wretched people aimed at their heads was directed against

the constitution; and by this stratagem they threw an odium upon the injured people that by degrees begot prejudice which prevented a full discovery of their grievances. Thus, my Lord, as far as I am able to discern, the resentment of the government was craftily worked up against the oppressed, and the protection, which the oppressors treacherously acquired where the ignorant and injured people expected to find it, drove them to acts of desperation and confederated them into violences, which your Lordship knows induced bloodshed, and, as I verily believe, necessarily.

"Inquiries of this sort, my Lord, I am sensible are invidious; nor would anything but a sense of duty have drawn from me these opinions of the principles of the past troubles of this country." (Col. Rec. of N. C., Vol. 9, p. 330.)

Earl Dartmouth, then Secretary for the Colonies, replied :

"I have not failed to give attention to the remarks you make upon the state of the back settlements, the temper and character of the inhabitants, and your own opinion of the origin of these discontents, which produce such disagreeable consequences; and I must confess to you that I see but too much reason to believe that those deluded people would not have been induced to involve themselves in the guilt of rebellion without provocation. But it is neither



fit nor necessary for me to recur to transactions of so disagreeable a complexion, not doubting that the late Governor had examined into and redressed their grievances," etc.

Whereas the late Governor had done nothing of the kind.

One of Tryon's three Superior Court Judges, who was first to recommend bayonets and bullets, and declare the paralysis of the civil arm, and who condemned to speedy death the unhappy prisoners taken at the Alamance, is credited with the authorship of the "Atticus" letter. (Moore's History of North Carolina, Vol. 1, p. 100; Col. Rec. of N. C., Vol. 8, p. 718.) This letter was written November, 1771, after Tryon had left the Province. It was addressed to Tryon, now Governor of New York, and from it we make these extracts: (See letter in full, p. 81.)

"Your active and gallant behavior in extinguishing the flame you yourself had kindled does you great honor.

"It seems difficult to determine in which your Excellency is most to be admired, for your skill in creating the cause or your bravery in suppressing the effect."

Governor Josiah Martin had been instructed to issue, upon his arrival within the Province, writs for the election of a new Legislature to succeed that of the spring preceding. He

assembled the old Legislature, however, under the advice of Tryon and Hassell of the Council. (Col. Rec. of N. C., Vol. 9, p. 17.) It devolved upon this body to meet the expenses of the war—£40,000—it had just waged—when the war was commenced there was only £500 in the treasury—that is, pay themselves largely—which it was believed no other would. Governor Martin's language on this point is this: "It was, however, necessary to keep that, to provide for the present exigencies; since it is universally agreed that a future assembly would not have been found to do it." (Col. Rec. of N. C., Vol. 9, p. 76.) Many—"a majority" (Col. Rec. of N. C., Vol. 9, p. 17)—of this legislature had been at the Battle of Alamance and had accompanied Tryon in his tour westward enforcing the oath of loyalty, etc.

Having assembled at Newberne, then the seat of government, on November 19, 1771, they requested of the Governor a general pardon of all offenses for all Regulators, with an exception of three individuals only, and went to work perfecting the identical measures so long and so ineffectually advocated by the Regulators. (Journals of the Assemblies of 1769, 1770, and 1771.)

Governor Martin having arrived in Newberne in August and remained there till November and having been in communication

with Tryon only before his arrival, was of course imbued with his ideas and views, and in fact party spirit between Tryonites and Martinites, soon to become bitter, had not yet arisen. Nevertheless, he had learned the true cause of the recent war, for in his address to the Legislature of November 19, 1771, having congratulated them "that tranquility and good order have succeeded tumult and violence, which during some time had disturbed so fair a part of this promise," says, "I most heartily congratulate you gentlemen on this event; and I take the first occasion to recommend to you in the most earnest manner to consider of an effectual means to prevent future evils of a like nature; to this end it appears to be necessary to give all force and vigor to the laws; to obviate all just grounds of discontent to the people that shall be found to exist; to give them the fullest evidence that is possible of the just administration of the public finances; to correct as far as human prudence may all manner of abuses; and above all things to give every facility to the administration of justice." (Col. Rec. of N. C., Vol. 9, pp. 101, 102.) Taking no umbrage at this, the Legislature promised, in reply, "to provide effectual means to prevent future evils of a like nature; and we shall rank amongst the first objects of our attention the several matters which your Excellency

has recommended as necessary for the attainment of that end." (Col. Rec. of N. C., Vol. 9, p. 104.)

These declarations of Tryon, of his judge, of Governor Martin, the confessions of the home government, and the actions of this Legislature established beyond cavil the righteousness of the Regulator's cause.

But the plea of Tryon and the Legislature and of their apologists to this day is by way of confession and avoidance. Admitting the justice of the people's complaint and the lawfulness of their proceedings at first, the allegation is that the association or confederation had degenerated into an uncontrollable and dangerous mob, despising all law and order, and that having changed their original righteous into unrighteous purposes, they ought to have been suppressed by arms.

In reply, we ask had their original grievances been redressed? On the contrary, their lawful assembling of themselves and respectful petitionings (Col. Rec. of N. C., Vol. 8, pp. 75, 81) to the Governor, the Legislature, and the court had been met with only criminal or designed neglect and the most tyrannical denunciations. According to Governor Martin's statement, and as the records show, their unredressed wrongs had been greatly aggravated by cruelty and insolence.

But had the organization degenerated into a mob subject to no control and upon wild and mischievous purposes bent? Had it become, as is charged in the latest and most complete History of the State, "an intolerable nuisance—an impediment alike to legislation and the administration of public justice?" (Moore, Vol. 1, p. 127.) Of this court for the administration of "public justice" to which the Regulators finally put an end after years of forbearance, Mr. Moore himself says that the records of Hillsborough court are witnesses "of eternal shame resting upon this court" (p. 118). "They allowed Governor Tryon with his loose morals and bad passions to sully the reputation of a court that might have been illustrious for rectitude, as it was for the real learning of its judges" (p. 119). That there is "proof positive that on the name of (two of the three members of the court) should lie the odium of an infamous defeat of justice" (p. 119). And it may be added that the *third*, according to the evidence, was the most thoroughly and naturally hated judge of the three.

There certainly is intelligent purpose and there is method in the madness that would impede the so-called administration of justice by a court of which there was "proof positive" that it was corrupt; and where peaceable

remedy has failed, mankind will always justify and applaud resort to violence.

In this connection let us observe, that so late as the fall of 1770, at the most exciting period of the disruption of the court at Hillsborough, James Hunter urged Judge Henderson, then upon the bench, to proceed with the long-delayed causes of the Regulators, and assured him of his own personal safety. Certainly no indignity was offered the judge, which would seem to be proof that Hunter and others still had the crowd well in hand.

However, this charge of intolerable demoralization is fully disproven by proceedings had at Salisbury on March 7, 1771, only about two months before the battle. This was a meeting of the civil officers of Rowan County and the Regulators. We reproduce in full the papers then and there drawn up between the parties, entitled, "Agreement for restitution by Rowan County officers to the Regulators." (Col. Rec. of N. C., Vol. 8, p. 521.)

"We, the subscribers, officers of Rowan County, now met at Mrs. William Steele's,\*

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\*Mrs. Elizabeth Steele was known in early Revolutionary history as a very patriotic woman and revered for a most praiseworthy act. On February 1, 1781, Gen. Nathaniel Greene spent the night at her house, Steele's Tavern. Dr. Reade, who had charge of the American hospitals at Salisbury, called on the General, and in conversation the General said to Dr. Reade: "I have

with a committee of the people called Regulators, now assembled at the meeting for a redress of grievances of officers' fees and disputes, to wit: Mr. James Hunter, Daniel Gillespie (and others) to receive the proposals that shall be offered by the several officers for the approbation of the people, who are desirous of nothing more than justice and peace with every person whatsoever, and that all debates hereafter may subside, now the several officers hereto subscribed do here agree to settle and pay unto any and every person in the county any and all such sum or sums of money as we or our deputies have taken through inadvertence or otherwise over and above what we severally ought to have taken for fees, more than the law allowed or entitled us to receive, without any trouble or law for the recovery of same. And it is further agreed by the committee that when any debate may arise that all persons in this county do give in their demands to such person as shall hereafter be appointed

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ridden hard all day in the rain. I am fatigued, hungry, lone, and penniless." Mrs. Steele overhearing the conversation, went to her hiding-place and brought out two bags of gold, all she had, the savings of years, and gave them to General Greene, saying, 'take them, you will need the gold; I can do without it.' In her parlor was hanging a picture of George II. General Greene turned the face to the wall and wrote across the back, 'O, George! hide thy face and mourn.'



by the people in each neighborhood to see the same and to be determined by the several gentlemen jointly and unanimously chosen between the parties, to wit: Matthew Locke, Harmon Husband, James Smith, James Hunter, Samuel Young, Thomas Pearsons (and others) and their determination to be final end to all differences whatever, and that they meet at John Kimbrough's on the third Tuesday of May next. Given under our hands this 7th of March, 1771. John Frohock, C. C., William Frohock, D. S., Griffith Rutherford, S., Thomas Frohock, C. S. C., Alexander Martin" (and seven others). (Col. Rec. of N. C., Vol. 8, p. 522.)

In a letter to Tryon from Salisbury, of March 18, Alexander Martin says of these proceedings (Col. Rec. of N. C., Vol. 8, p. 535):

"This proceeding we expect will have more effect upon their minds than all the formalities of law whatsoever, as they would suggest that they had had injustice done them. They want, they say, to converse with the officers who have taken their money to satisfy them for what (this is surely reasonable) and they will all be quiet again. This we have undertaken to do, and time must produce the effect. If our hopes and wishes be not too sanguine, perhaps this may be the foundation of putting an end to all




future tumult and disorder." (For letter in full see Appendix B.)

This is signed by John Frohock and Alexander Martin.

The Regulators "urged very hard and strenuously" (Col. Rec. of N. C., Vol. 8, p. 520) to be led against troops then within the town, and if from that fact it be inferred that our brave forefathers then and there intended to force justice at any cost, to their everlasting honor be the fact promptly admitted. But, as we see, they were restrained, and with a perfectly legitimate and praiseworthy end in view; their proceedings were had decently and in order. They had neither lost their moorings nor were they sailing without a compass. James Hunter "and others" were present and still in charge. Of Hunter, some twelve months later, March, 1772, Governor Josiah Martin wrote home:

"Hunter was a most egregious offender; he was the leader of the insurgents in arms, and was called their general, and has appeared from the beginning a ring-leader in sedition. He is said to have a better capacity than his associates, who pay him implicit obedience and treat him with a respect savoring of reverence." (Col. Rec. of N. C., Vol. 9, p. 269.)

Daniel Gillespie, whose whole life attests the firm, wise and judicious conservatism of the man, was there. He was afterwards in the



convention that framed the State and adopted the Federal Constitution, and was an elder in one of Rev. Dr. David Caldwell's churches, as James Hunter was a member and afterwards an elder in a church of his own building. The Regulators here appointed on their committee their old leaders, James Hunter, Thomas Person and others. It is true, and we joyfully proclaim it abroad, that as time had elapsed between 1765, the beginning of these troubles, and 1771, and as their repeated peaceable and lawful efforts had failed them, these brave men had proven themselves equal to the emergency and had risen with the necessity for stronger measures.

Had Tryon done his duty at this juncture—March, 1771—by Alexander Martin, Hunter and others, law and order, coupled with justice, would have instantly reigned and left him no excuse for polluting with the blood of patriots the pure waters of the Alamance. The Regulators were endeavoring for an equitable and just system of government for the community—arbitration, the last that was left them.

But personal preferment at the hands of the King was the end Tryon had in view, and the wise efforts of these good men were to bear no fruit. As proof of this and as a vivid picture of Tryon's imperious spirit, I cite his reply to

Alexander Martin and Frohock (Col. Rec. of N. C., Vol. 8, p. 545):

NEWBERNE, 5th day of April, 1771.

I have received your letter of the 18th of March respecting your negotiations and agreements with the Insurgents. If you have abused your public trust it is your duty to give satisfaction and make restitution to the injured. As for my own part I entertain a just abhorrence of the conduct of that man who is guilty of extortion in the execution of his public character. The mode, however, of your agreement with the Insurgents, including officers who are amenable only for their public conduct to the tribunals of their country, is introductory to a practice most dangerous to the peace and happiness of society. On the 18th of March last it was determined, with the consent of his Majesty's council, to raise forces to march into the settlement of the Insurgents in order to restore peace to the country upon honorable terms and constitutional principles. This measure is not intended to impede nor has it the least reference to the agreement between you gentlemen and the Regulators, though it is expected in the execution of it more stability will be added to our government than by the issue of the convention ratified at Salisbury.

I am, gentlemen, &c.,

WM. TRYON.

Though brilliantly caustic that, aimed in part at a man—Alexander Martin—destined thereafter repeatedly to be Speaker of the Senate, many times to fill the gubernatorial chair of North Carolina, and later to become a Senator of these United States, it was, nevertheless, under the circumstances unconscionable and heartless.

But if we grant any and all alleged increase of violence and demoralization, still the effort

to base Tryon's anxiety for war upon these is hollow pretense. Before Husband's "insinuation" at Newberne in December, 1770, before the disruption of the court at Hillsborough, March, 1771, or even before Judge Moore had pronounced the courts powerless in the spring of 1770, the character of this man and his bloody purpose were apparent and fully understood by the legislature. At a council of war held at Hillsborough so early as the summer of 1768, Tryon being absent because of temporary sickness, it was determined to pardon all Regulators, a few leaders excepted, and take their bonds for their good behavior. Upon hearing this, Tryon asked for or demanded a reconsideration of their finding, and suggested in its stead instant war. The court reconsidered, but rejected the suggestion of war. The same proposition from the same source was again rejected even by his Council, the second and last time this body ever thwarted his will.

The people's resistance to wrong was the occasion, but the cause of this war lay in the breast of an ambitious and tyrannical ruler, upheld by an unfriendly, subservient legislature—to the new-comers in the west, its actions based on offended dignity.

Tryon was the creature of his age and environments. The King and ruling classes of England at that time had no proper regard

for the rights or even the lives of the common people. "Within this century," says Col. J. M. Morehead, the great lawyer, reformer and humanitarian, "Sir Samuel Romily found them being driven daily in herds to the gallows—one of them at least, and a woman, for the trifling offense of stealing a pocket handkerchief."

Mr. Moore affirms: "No fact is more discreditable in our history than the ascendancy which Tryon then demonstrated over men who should have been wise enough to have scorned him as he deserved." (Moore's History, Vol. I, p. 123.)

If, as he says, the Governor was false and tyrannical, the court guilty of "infamous" servility from the bench, and the speakers of the assembly, "John Harvey, Richard Caswell, John Ashe, and many other brave and reverend men" (Moore's History, p. 122) were obsequious to "degradation," surely the people were justified in refusing obedience to their ruinous mandates and ought, had the power been theirs, to have driven them from the Province.

Naked charges like the above, however, are well calculated, though true, to affix to the memory of these, in many respects great and noble men, an obloquy they do not deserve. Be it remembered that they, like their fathers before them, were the born subjects of Great

Britain two hundred and fifty years ago; and thus to measure them by the standard of today is of course to hold the individual responsible for the infirmities justly chargeable to the age in which they lived. These charges are quoted and thus reproduced here in vindication of other North Carolinians who rose superior to their age. (Records of the Court of Orange County, at Hillsborough, N. C.)

In this connection we cannot but see in the war of the Regulators another proof that the liberties of any people are safest in the hands of its middle classes—both as regards their maintenance intact and their perpetuity. Compelled to personally supervise and attend to their several private occupations in life, these men are strong in body, and healthful in mind and spirit and frequently in morals beyond others; and being moderately circumstanced they have something to lose, and feel keenly and quickly the abuse of government. On the other hand, not having yet attained to court circles they are neither tempted by powerful appeals to cupidity nor ambition to stoop to either the frowns or blandishments of power.

Into the justice of the charge that the Regulators were an "impediment to legislation" of the times, let us now inquire. The small coast county of Pasquotank, with a population of

433 white men eighteen years of age, had five representatives in the lower house of the legislature; Orange and Rowan combined,—the home of the Regulators, we may say,—extending from about Raleigh westward indefinitely across the mountains, with a like population of 6,487, had four representatives; Chowan, with a population of 571, had five; Currituck, with 709, had five; Perquimans, with 455, had five, and Tyrrell, with 594, had five. (Col. Rec. of N. C., Vol. 8, p. 341, and Vol. 7, pp. 283, 539.)

That is to say, Orange and Rowan combined had four representatives to a population of 6,000, while the five small counties above had twenty-five representatives to a population of 2,000. In the Upper House, or Council, the west seems to have been entirely ignored. To strengthen earnest men in the legislature, too weak to force reform of abuses ever promised but never fulfilled, to remove officials ever reprimanded but never replaced, and to stop the levying of cruelly extravagant taxes, under an unfair system (Col. Rec. of N. C., Vol. 8, pp. 14-17, Pref. Notes), that had grown simply beyond their ability to meet, the Regulators entered into a solemn compact (see oath of Regulators, p. 166) to stop the payment of all taxes other than "what were agreeable to law, and this of course could not be known till the public accounts were settled." (Col. Rec. of

N. C., Vol. 8, p. 637.) This finally resulted as the Regulators had foreseen and intended it should, but unfortunately too late for a number of themselves. In January, 1771, Cornelius Harnet, a most influential member from Wilmington, chairman of the Committee on Grievances, reported: "That the several officers of this Province, extorting, exacting and receiving greater fees than the law allows is a very great grievance; and unless prevented in the future may be of dangerous tendency." That the taking fees on certain bills "in either house of the assembly is a grievance and not warranted;" that the method of prosecuting certain causes in the courts "is a very great grievance and tends only to enhance and increase the fees of attorneys, sheriffs, clerks, etc.;" "that the Regulators by obstructing the sheriffs of the frontier and other counties, by rescuing goods taken by distress for public taxes and their opposition to the courts is a grievance detrimental to society and manifestly tends to distress the peaceable and loyal subjects of the Province who are compelled to pay the taxes for the support of the government." And Mr. Harnet recommends that "their leaders be compelled by law to answer for their conduct." "Concurred in."

In connection with this deliverance of the legislature of December, 1770, and January,



1771, hear that of Tryon in his address the fall before. For three years he had urged a remedy, to use his own language, "for expelling that cloud which has ever obscured the public accounts of the Province. The community will then cheerfully pay the public levies, satisfied they are fairly adjusted and applied to the service intended." (Col. Rec. of N. C., Vol. 8, p. 88.) "The plan I laid before you for the public funds, if accepted by the legislature, will produce the happiest effect to this country ever experienced; though the only act passed in the session. But this blessing is not to be obtained for this country while the treasurers, late sheriffs, and their sureties can command a majority in the lower house, and while a treasurer is suffered to absent himself, and withhold the public accounts from the General Assembly, let the pretence of his absence be ever so urgent." (Col. Rec. of N. C., Vol. 8, p. 140.) These are declarations of both the legislature and of Tryon that an adequate and the proper remedy for pacifying the Regulators was—justice at the hands of their rulers; that war was unnecessary; and being unnecessary it was therefore criminal.

To this legislature of 1770-1771, that finally made war upon the people, the Regulators had elected Husband from Orange, and Thomas Person from Granville—the last certainly as



good a man as the Province contained. Soon after the assembly met, Person was bitterly attacked. He was vindicated however and the charges pronounced to be malicious, and the prosecutor saddled with the costs (afterwards remitted, however). (Col. Rec. of N. C., Vol. 8, p. 118.)

Two days afterwards Husband was also arraigned before the house on the charge of libel, for the publication of a caustic letter bearing the signature of James Hunter and addressed to Judge Moore, all by predetermination, as Tryon's address shows. (Col. Rec. of N. C., Vol. 8, p. 330.) A jury speedily assembled, and pronounced the publication to be "no libel." (Col. Rec. of N. C., Vol. 8, pp. 494, 511.) But Husband was expelled (Col. Rec. of N. C., Vol. 8, p. 269) nevertheless, for "an insult," among other things said to the legislature, for insinuating that if under these circumstances he was imprisoned "the Regulators would release him."

Such would seem the ability of the Regulators to impede, and such the manner in which they "impeded," legislation.

From the strangely inconsistent course of conduct pursued by Judge Maurice Moore throughout these years the inference is drawn (Moore's History, Vol. 1, p. 131, note) that

theirs was indeed a bad cause and that the Regulators themselves were the "host of scoundrels" the Judge pronounced them to be. As we see it, the recorded events of the period, as transmitted and now in hand, seem to show this inference to be based upon false premises, and most unjust to the Regulators; and that if the course of Judge Moore reflected unfavorably upon any one it was upon himself alone.

"His sympathy for their distresses classed him as a Regulator." (Moore's History, Vol. 1, p. 100.) That he, "their best friend in all the Province, should have conceded the necessity for Governor Tryon's coercive measures is the most pregnant circumstance in all that unhappy year in vindication of the stern policy so recently adopted." (Moore's History, Vol. 1, p. 131.) Let us inquire into the correctness of this. Tryon writes, under date of 28th April, 1766: "I have suspended Mr. Maurice Moore from the office of Assistant Judge for the District of Salisbury for his intemperate zeal and conduct in opposition to the Stamp Act. He is a leading man in this river, though he enjoys no great share of popularity in other parts of this Province. The commission of Assistant Judge I have given to Mr. Edmund Fanning." (Col. Rec. of N. C., Vol. 7, p. 199.) He qualified in March, 1766 (p.



191). Fanning, declining to serve longer, in March, 1768 (Col. Rec. of N. C., Vol. 7, p. 698), Judge Moore had been reinstated upon the bench. Tryon, writing March 12, 1768, says: "The former gentleman (Moore) I suspended during the late disturbances in the colony. His proper conduct and behavior since that period and the British act of grace subsequent to those troubles induced me, with the approbation of my council, to reinstate Mr. Moore in his office." (Col. Rec. of N. C., Vol. 7, p. 697.)


The disturbance in Orange increasing and "being ascribed to me as its author and encourager," the Judge declares (August, 1768): "I have been calumniated before, but never so capitally as in this instance. I assure you it gives me much concern in spite of the consolation a clear conscience gives me. I never knew or ever in my life, as I know of, even saw any man or men engaged in this unlucky affair, except Hunter and Howell, and I made you fully acquainted with the advice I gave them." (Wheeler's History of North Carolina, p. 101.) This was addressed to Fanning.

At a Superior Court for Rowan, Judge Moore presided with the other two judges Tuesday, September 6, following. (Col. Rec. of N. C., Vol. 7, p. 838.) On the 13th we find

this entry in Tryon's journal: "Maurice Moore, Esq., is appointed Colonel Commandant (with rank of colonel) of a Troop of Gentlemen Volunteer Light Dragoons." (Col. Rec. of N. C., Vol. 7, p. 829.) Thence they marched to Hillsboro, and we find: "Hillsboro Camp, 23d—Colonel Moore's Light Dragoons—in King street, opposite headquarters." (Col. Rec. of N. C., Vol. 7, p. 834.) On the next day, the 24th, Judge Moore took his seat upon the Superior Court bench, when Edmund Fanning and William Butler, Hunter and other Regulators were arraigned before the court, with what result is known and read of all men. (Col. Rec. of N. C., Vol. 7, pp. 843, 844.) Colonel Moore had sat in the council of war on the 22d and 23d. (Col. Rec. of N. C., Vol. 7, p. 842.)

In March, 1770, he announces the paralysis of the civil arm of government, in a letter to Tryon, in these words:

"This is an evil, Sir, No civil process can remedy—the reason is obvious, none such can be executed—I have therefore recommended to the sheriffs to petition your Excellency and the assembly at its next meeting on this subject, and I wish it may not be found necessary to redress them by means equal to the obstinacy of the people who have given occasion for it." (Col. Rec. of N. C., Vol. 8, p. 192.)



This to the 'tyrant, the weight of whose "iron fists" he had himself felt for two years, and whose anxiety for war upon the people he had witnessed at Hillsborough in 1768, and being himself a member of the council of war then and there held. (Col. Rec. of N. C., Vol. 7, p. 842.) He wrote, February 22, 1771, "signifying his desire to be present at the court (soon to be held) when the Insurgents are to be tried, and to show no further leniency to a people who have been so regardless of the clemency extended to them for former offences." (Tryon's letter, February 27, 1771, Col. Rec. of N. C., Vol. 8, p. 694.)

In June, 1771, the court was found "waiting [at Hillsborough] to try the persons taken in battle [Alamance]. Twelve of fourteen tried were capitally convicted as traitors and two acquitted," who "established their innocence, one day being given." ("Atticus" letter; Col. Rec. of N. C., Vol. 8, p. 650.)

In December, 1770, a committee of seven, "Messrs. Howe, Johnston, Maurice Moore (and four others) were appointed to prepare an address in reply to His Excellency's—Governor Tryon's—speech and report." "Mr. Maurice Moore informed the House that the said committee had prepared the same, which he read in his place and delivered at the table" (Col. Rec. of N. C., Vol. 8, p. 311), being its

author, it is inferred. This address concludes in this language, Tryon having been granted a leave of absence from the Province by the King: "The palace erected by this Province for the residence of your Excellency and successors in office is truly elegant and noble. To your unwearied attention and influence, and to the ability and diligence of the architect, the inhabitants of this country owe what honor and credit it may reflect upon them.

\* \* \* \* \*

"Your approaching departure from your government is a circumstance truly detrimental to the interest of the Province, and is justly to be lamented. It is a misfortune peculiar to this country that as soon as its governor has become acquainted with its constitution and the temper of its inhabitants he is, by some ill-fated means or other, removed from us. Nothing, sir, on this afflicting occasion, can afford us consolation but the firm reliance that the well-known benevolence of your disposition and friendly concern for the welfare of mankind will dispose you to use the influence your merit and station justly entitle you to in favor of the constitutional liberties of North America in general and the interests of this Province in particular. Your steady and uniform endeavors to render every service to this country have

a just claim to the warmest return of gratitude and respect; and whithersoever you may go you have the united and unfeigned wishes of this people for the peace and happiness of yourself and family." (Col. Rec. of N. C., Vol. 8, p. 311.)

This was followed the next fall, Tryon having left to assume the government of New York, by the "Atticus" letter, regarded as unsurpassed invective.

Notwithstanding the fact that Judge Moore personally delivered the above address, and is believed to have written it, still the committee was as such partially responsible therefor; but his friends claim that the conception and publication of the letter were his exclusive personal acts. We give the letter in full as published in the *Virginia Gazette*, November 7th, 1771 (Col. Rec. of N. C., Vol. 8, p. 718):

To His Excellency WILLIAM TRYON, Esquire:

I am too well acquainted with your character to suppose you can bear to be told of your faults with temper. You are too much of the soldier, and too little of the philosopher, for reprehension. With this opinion of your Excellency, I have reason to believe that this letter will be more serviceable to the Province of New York, than useful or entertaining to its governor.

The beginning of your administration in this Province was marked with oppression and distress to its inhabitants. These, sir, I do not place to your account; they are derived from higher authority than yours. You



were, however, a dull, yet willing instrument, in the hands of the British Ministry to promote the means of both. You called together some of the principal inhabitants of your neighborhood, and in a strange, inverted, self-affecting speech, told them you had left your native country, friends, and connections, and taken upon yourself the government of North Carolina with no other view than to serve it. In the next breath, sir, you advised them to submit to the Stamp Act, and become slaves. How could you reconcile such baneful advice with such friendly professions? But, sir, self-contradictions with you have not been confined to words only; they have been equally extended to actions. On other occasions you have played the governor with an air of greater dignity and importance than any of your predecessors; on this, Your Excellency was meanly content to solicit the currency of stamped paper in private companies. But, alas, ministerial approbation is the first wish of your heart; it is the best security you have for your office. Engaged as you were in this disgraceful negotiation, the more important duties of the governor were forgotten, or wilfully neglected. In murmuring, discontent, and public confusion, you left the colony committed to your care, for near eighteen months together without calling an assembly. The Stamp Act repealed, you called one; and a fatal one it was! Under every influence your character afforded you, at this assembly, was laid the foundation of all the mischief which has since befallen this unhappy Province. A grant was made to the Crown of five thousand pounds, to erect a house for the residence of a governor; and you, sir, were solely entrusted with the management of it. The infant and impoverished state of this country could not afford to make such a grant, and it was your duty to have been acquainted with the circumstances of the colony you governed. This trust proved equally fatal

to the interest of the Province and to Your Excellency's honour. You made use of it, sir, to gratify your vanity, at the expense of both. It at once afforded you an opportunity for leaving an elegant monument of your taste in building behind you, and giving the ministry an instance of your great influence and address in your new government. You, therefore, regardless of every moral, as well as legal obligation, changed the plan of a province house for that of a palace, worthy the residence of a prince of the blood, and augmented the expense to fifteen thousand pounds. Here, sir, you betrayed your trust, disgracefully to the governor, and dishonorably to the man. This liberal and ingenious stroke in politics, may, for all I know, have promoted you to the government of New York. Promotion may have been the reward of such sort of merit. Be this as it may, you reduced the next assembly you met to the unjust alternative of granting ten thousand pounds more, or sinking the five thousand they had already granted. They chose the former. It was cost pleasing to the governor, but directly contrary to the sense of the constituents, This public imposition upon a people, who, from poverty were hardly able to pay the necessary expenses of government, occasional general discontent, which Your Excellency, with wonderful address, improved into a civil war.

In a colony without money, and among a people almost desperate with distress, public confusion should have been carefully avoided; but unfortunately for the country, you were bred a soldier, and have a natural, as well as acquired fondness for military parade. You were entrusted to run a Cherokee boundary about ninety miles in length; this little service at once afforded you an opportunity of exercising your military talents, and making a splendid exhibition of yourself to the Indians. To a gentleman of Your Excellency's turn of mind,

this was no displeasing prospect; you marched to perform it, in a time of profound peace, at the head of a company of militia, in all the pomp of war, and returned with the honourable title, "Great Wolf of North Carolina." This line of marked trees, and Your Excellency's prophetic title, cost the province a greater sum than two pence a head, on all the taxable persons in it for one year, would pay.


Your next expedition sir, was a more important one. Four or five hundred ignorant people, who called themselves Regulators, took it into their heads to quarrel with their representative, a gentleman honoured with Your Excellency's esteem. They foolishly charged him with every distress they felt; and, in revenge, shot two or three musket balls thro' his house. They at the same time rescued a horse which had been seized for the public tax. These crimes were punishable in the courts of law, and at that time the criminals were amenable to legal process. Your Excellency and your confidential friends, it seems, were of a different opinion. All your duty could possibly require of you on this occasion, if it required anything at all, was to direct a prosecution against the offenders. You should have carefully avoided becoming a party in the dispute. But, sir, your genius could not lie still; you enlisted yourself a volunteer in this service, and entered into a negotiation with the Regulators which at once disgraced you and discouraged them. They despised the governor who had degraded his own character by taking part in a private quarrel, and insulted the man whom they considered as personally their enemy. The terms of accommodation Your Excellency had offered them were treated with contempt. What they were, I never knew. They could not have related to public offences; these belong to another jurisdiction. All hopes of settling the mighty con-

test by treaty ceasing, you prepared to decide it by means more agreeable to your martial disposition, an appeal to the sword. You took the field in September, 1768, at the head of ten or twelve hundred men, and published an oral manifesto, the substance of which was that you had taken up arms to protect a superior court of justice from insult. Permit me here to ask you, sir, why you were apprehensive for the court? Was the court apprehensive for itself? Did the judges or the attorney-general address Your Excellency for protection? So far from it, sir, if these gentlemen are to be believed, they never entertained the least suspicion of any insult, unless it was that which they afterwards experienced from the undue influence you offered to extend to them, and the military display of drums, colours, and guards, with which they were surrounded and disturbed. How fully has your conduct, on a like occasion since, testified that you acted in this instance from passion, and not from principle! In September, 1770, the Regulators forcibly obstructed the proceedings of Hillsborough Superior Court, obliged the officers to leave it, and blotted out the records. A little before the next term, when their contempt of courts was sufficiently proved, you wrote an insolent letter to the judges and attorney-general, commanding them to attend it. Why did you not protect the court at this time? You will blush at the answer, sir. The conduct of the Regulators at the preceding term made it more than probable that these gentlemen would be insulted at this, and you were not unwilling to sacrifice them to increase the guilt of your enemies.

Your Excellency said that you had armed to protect a court. Had you said to revenge the insult you and your friends had received, it would have been generally credited in this country. The men, for the trial of whom

the court was thus extravagantly protected, of their own accord squeezed through a crowd of soldiers and surrendered themselves, as they were bound to do by their recognizances.

Some of these people were convicted, fined, and imprisoned; which put an end to a piece of knight-errantry, equally aggravating to the populace and burthen-some to the country. On this occasion, sir, you were alike successful in the diffusion of a military spirit through the colony and in the war-like exhibition you set before the public; you at once disposed the vulgar to hostilities, and proved the legality of arming, in cases of dispute, by example. Thus warranted by precedent and tempered by sympathy, popular discontent soon became resentment and opposition; revenge superseded justice, and force the laws of the country; courts of law were treated with contempt, and government itself set at defiance. For upwards of two months was the frontier part of the country left in a perfect state of anarchy. Your Excellency then thought fit to consult the representatives of the people, who presented you a bill which you passed into a law. The design of this act was to punish past riots in a new jurisdiction, to create new offences and to secure the collection of the public tax; which, ever since the Province had been saddled with a palace, the Regulators had refused to pay. The jurisdiction for holding pleas of all capital offences was, by a former law, confined to the particular district in which they were committed. This act did not change that jurisdiction; yet Your Excellency, in the fullness of your power, established a new one for the trial of such crimes in a different district. Whether you did this through ignorance or design can only be determined in your own breast; it was equally violative of a sacred right, every British subject is entitled to, of being tried



by his neighbors, and a positive law of the Province you yourself had ratified. In this foreign jurisdiction, bills of indictment were preferred and found, as well for felonies as riots, against a number of Regulators; they refused to surrender themselves within the time limited by the riot act, and Your Excellency opened your third campaign. These indictments charged the crimes to have been committed in Orange County, in a distinct district from that in which the court was held. The superior court law prohibits prosecution for capital offences in any other district than that in which they were committed. What distinctions the gentlemen of the long robe might make on such occasion, I do not know; but it appears to me those indictments might as well have been found in Your Excellency's kitchen; and give me leave to tell you, sir, that a man is not bound to answer to a charge that a court has no authority to make, nor doth the law punish a neglect to perform that which it does not command. The riot act declared those only outlawed who refused to answer to indictments legally found. Those who had been capitally charged were illegally indicted, and could not be outlaws; yet Your Excellency proceeded against them as such. I mean to expose your blunders, not to defend their conduct; that was as insolent and daring as the desperate state your administration had reduced them to could possibly occasion. I am willing to give you full credit for every service you have rendered this country. Your active and gallant behavior, in extinguishing the flame you yourself had kindled, does you great honor. For once your military talents were useful to the Province, you bravely met in the field, and vanquished, an host of scoundrels whom you had made intrepid by abuse. It seems difficult to determine, sir, whether Your Excellency is more to be admired for your skill in creating the cause, or your bravery in suppressing the effect. This

single action would have blotted out forever half the evils of your administration; but, alas, sir, the conduct of the general after his victory was more disgraceful to the hero who obtained it than that of the man before it had been to the governor. Why did you stain so great an action with the blood of a prisoner who was in a state of insanity? The execution of James Few was inhuman; that miserable wretch was entitled to life till nature, or the laws of his country, deprived him of it. The Battle of the Alamance was over; the soldier was crowned with success, and the peace of the Province restored. There was no necessity for the infamous example of an arbitrary execution, without judge or jury. I can freely forgive you, sir, for killing Robert Thompson at the beginning of the battle; he was your prisoner, and was making his escape to fight against you. The laws of self-preservation sanctioned the action, and justly entitle Your Excellency to an act of indemnity.

The sacrifice of Few, under its criminal circumstances, could neither atone for his crime nor abate your rage; this task was reserved for his unhappy parents. Your vengeance, sir, in this instance, it seems, moved in a retrograde direction to that proposed in the Second Commandment against idolators; you visited the sins of the child upon the father and, for want of the third and fourth generation to extend it to, collaterally divided it between brothers and sisters. The heavy affliction, with which the untimely death of a son had burthened his parents, was sufficient to have cooled the resentment of any man whose heart was susceptible of the feelings of humanity; yours, I am afraid, is not a heart of that kind. If it is, why did you add to the distress of that family? Why refuse the petition of the town of Hillsborough in favour of them, and unrelentingly destroy, as far as

you could, the means of their future existence? It was cruel, sir, and unworthy a soldier.

Your conduct to others after your success, whether it respected person or property, was as lawless as it was unnecessarily expensive to the colony. When Your Excellency had exemplified the power of government in the death of a hundred Regulators, the survivors, to a man, became proselytes to government; they readily swallowed your new coined oath, to be obedient to the laws of the province, and to pay the public taxes. It is a pity, sir, that, in devising this oath, you had not attended to the morals of those people. You might have easily restrained every criminal inclination, and have made them good men as well as good subjects. The battle of the Alamance had equally disposed to moral and to political conversion; there was no necessity, sir, when the people were reduced to obedience, to ravage the country or to insult the individuals.

Had Your Excellency nothing else in view than to enforce a submission to the laws of the country, you might have with perfect safety disbanded the army within ten days after your victory; in that time the chiefs of the Regulators were run away, and their deluded followers had returned to their homes. Such a measure would have saved the province twenty thousand pounds at least. But, sir, you had further employment for the army; you were, by an extraordinary bustle in administering oaths, and disarming the country, to give a serious appearance to rebellion to the outrage of a mob; you were to aggravate the importance of your own services by changing a general dislike of your administration into dissatisfaction to His Majesty's person and government, and the riotous conduct, that dislike had occasioned, into premeditated rebellion. This scheme, sir, is really an ingenious one; if it succeeds,



you may possibly be rewarded for your services with the honour of knighthood.

From the 16th day of May to the 16th day of June, you were busy in securing the allegiance of rioters, and in levying contributions of beef and flour. You occasionally amused yourself with burning a few houses, treading down corn, insulting the suspected, and holding courts-martial. These courts took cognizance of civil as well as military offences, and even extended their jurisdiction to ill-breeding and want of good manners. One Johnston, who was a reputed Regulator, but whose greatest crime, I believe, was writing an impudent letter to your lady, was sentenced in one of these military courts, to receive five hundred lashes, and received two hundred and fifty of them accordingly. But, you, sir, however exceptionable, your conduct may have been on this occasion, it bears little proportion to that which you adopted on the trial of the prisoners you had taken. These miserable wretches were to be tried for a crime made capital by a temporary act of the assembly, of twelve months' duration. That act had, in great tenderness to His Majesty's subjects, converted riots into treasons. A rigorous and punctual execution of it was as unjust as it was politically unnecessary. The terror of the examples now proposed to be made under it was to expire, with the law less than nine months after. The suffering of these people could therefore amount to little more than mere punishment to themselves. Their offences were derived from the public and from private impositions; and they were the followers, and not the leaders, in the crimes they had committed. Never were criminals more justly entitled to every leniency of the law which could be afforded them; but, sir, no consideration could abate your zeal



in a cause you had transferred from yourself to your sovereign.

You shamefully exerted every influence of your character against the lives of these people. As soon as you were told that an indulgence of one day had been granted by the Court to two men to send for witnesses, who actually established their innocence and saved their lives, you sent an aide-de-camp to the judges and attorney-general, to acquaint them that you were dissatisfied with the inactivity of their conduct, threatened to represent them unfavorably in England if they did not proceed with more spirit and despatch. Had the court submitted to influence, all the testimony on the part of the prisoners would have been set aside, and excluded; they must have been condemned to a man. You said your solicitude for the condemnation of these people arose from your desire of manifesting the lenity of the government in their pardon. How have your actions contradicted your words? Out of twelve men that were condemned, the lives of only six were spared. Do you know, sir, that your lenity on this occasion was less than that of the bloody Jeffries in 1685? He condemned the lives of five hundred persons, but saved the lives of two hundred and seventy.

In the execution of these six devoted offenders, Your Excellency was as short of General Kirk in form, as you were of Judge Jeffries in lenity. The general honored the execution he had the charge of with play pipes, sound of trumpets, and beat of drums; you were content with silent play of colours only. The disgraceful part you acted in this ceremony, of pointing out the spot for erecting the gallows, and the clearing of the field around for drawing up the army in form, has left a ridiculous idea of your character behind you, which bears a strong resemblance to that of a busy undertaker

at a funeral. This scene closed Your Excellency's administration in this country, to the great joy of every man in it, a few of your own contemptible tools only excepted.

Were I personally Your Excellency's enemy, I would follow you into the shades of life, and show equally the object of pity and contempt to the wise and serious, and of jest and ridicule to the ludicrous and sarcastic. Truly pitiable, sir, is the pale and trembling impatience of your temper. No character, however distinguished for wisdom and virtue, can sanctify the least degree of contradiction to your political opinions. On such occasions, sir, in a rage, you renounce the character of a gentleman and precipitately mark the most exalted merit with every disgrace the haughty insolence of a governor can inflict upon it. To this unhappy temper, sir, may be ascribed most of the absurdities of your administration in this country. It deprived you of every assistance men of spirit and abilities could have given you, to blunder through the duties of your office, supported and approved by the most profound ignorance and abject servility.

Your pride has often exposed you to ridicule, as the rude petulance of your disposition has to contempt. Your solicitude about the title of *Her Excellency* for Mrs. Tryon, and the arrogant reception you gave to a respectable company at an entertainment of your own making, seated with your lady by your side on elbow chairs, in the middle of the ballroom, bespeak a littleness of mind which, believe me, sir, when blended with the dignity and importance of your office, renders you truly ridiculous.

High stations have often proved fatal to those who have been promoted to them; yours, sir, has proven so to you. Had you been contented to pass through your life in a subordinate military character, with the private



virtues you have, you might have lived serviceable to your country and reputable to yourself; but, sir, when, with every disqualifying circumstance, you took upon you the government of a Province, though you gratified your ambition, you made a sacrifice of yourself.

Yours, &c.,

"ATTICUS."

Judge Moore writes in a very caustic style, with elegant invective, which is difficult to equal and is never surpassed. The criticisms come from a source high in authority, from one who was in position to know whereof he spoke. The act of converting riots into treasons was passed by the Assembly of which he was a member, yet no one man is responsible for the legislation of the whole Assembly. His sympathy for the "Regulators" and for their distresses classed him as a "Regulator." (Moore's History of North Carolina, Vol. I, p. 100.) That he, "their best friend in all the Province," should have conceded the necessity for Governor Tryon's coercive measures is the most pregnant circumstance in all that unhappy year in vindication of the stern policy so recently adopted. (Moore's History of North Carolina, Vol. I, p. 131.) Tryon writes, on April 28th, 1766: "I have suspended Mr. Maurice Moore from the office of Assistant Judge for the District of Salisbury for his intemperate zeal and conduct in opposition to the

Stamp Act." (Col. Rec. of N. C., Vol. 7, p. 199.)

Remembering the prompt assistance as Colonel Commandant of Volunteer Dragoons, judge upon the civil bench and judge in the council of war, rendered by the writer in this campaign of 1768, and at Hillsborough in June, 1771, we confess to astonishment at this public excoriation of Tryon. It came too late, however, either to help the dead or blacken their memory.

In consequence of Judge Moore's letter to Gov. Josiah Martin, so late as January 9, 1776, suggesting accommodation between England and the colony on certain terms (Col. Rec. of N. C., Vol. 10, p. 395; Martin's reply, Vol. 10, p. 398), Martin, in a letter home, declares Moore to be "whimsical" in politics and that "caprice and fickleness" were characteristic of the man. (Col. Rec. of N. C., Vol. 10, p. 400.) As to the correctness of Governor Martin's estimate of Judge Moore's character, the reader will form his own conclusions from the facts in the case.

A number of good men, "in no wise connected with the Regulators," assigned as a reason for Hunter's pardon, chief of the Regulators, that he was humane and compassionate. The Regulators, a large body of wronged and long-deceived men, embracing every ele-



ment of society, whipped a few of their oppressors, taking the life of not one; but to pass the "infamous" Johnson bill (Col. Rec. of N. C., Vol. 8, p. 481, Appendix C) to shoot down and hand the heroic and the helpless, was reserved for the more aspiring and powerful few. (Life of Caldwell, pp. 163, 166.)

"Criticisms of the patriotic labors of Mr. J. W. Moore are here thus candidly indulged in, because Mr. Moore's work is entitled a History of North Carolina. Being one of the latest and most complete histories of the State extant, it will be accepted as authoritative. It, therefore, becomes important that its errors be corrected if any such it contains." (Maj. J. M. Morehead.)

Finally, if it had in fact become necessary to suppress with arms these desperate men, the responsibility therefor devolved upon those who administered the fearful corrective. They and those under their control were virtually the legislature as then constituted; and that the necessary physical as well as political power to have redressed all grievance was theirs is manifest. For only five years before this, their own dignity and interests being menaced, they had promptly set at naught Tryon's authority and imprisoned his person (Col. Rec. of N. C., Vol. 7, p. 127), and a little later on had driven his successor from his capital and the Province.

It were a suicidal and most ungracious folly for any North Carolinian wantonly to reflect upon those Revolutionary leaders to whose noble efforts the State is so largely indebted for both its freedom and honorable fame. Nevertheless, their treatment of the Regulators was an outrage, and here to justify the guilty is to wrong the innocent and equally meritorious, and to deprive the present generation of a lesson to which it is entitled.

In this controversy men must take sides. They cannot justify both the Regulators and those who made war upon them. Efforts at different times and upon different grounds so to do have failed.

Dr. Caruthers, with the light before him (Old North State, p. 31, Series 1), "vindicates Caswell, Ashe," and others, upon the grounds of their ignorance of that true state of affairs which, in his opinion, justified the Regulators. These gentlemen, under Parliament, possessed and tenaciously held to the power, and so voluntarily assumed responsibility for the conduct of the affairs of the people of the Province. They had ample opportunity to have correctly informed themselves, and if they were in fact ignorant, ignorance under the circumstances was only less criminal than wilful wickedness.

Caruthers says: "The conduct of these patriotic men in aiding the Governor to put down the Regulators admits of ample vindication. Of course they could not be expected to know the imposition practiced upon the people further back, and therefore they were justified in lending their co-operation."

Let us inquire how this was. Mr. Ashe was speaker of the Provincial Lower House in 1765, when Tryon assumed the governorship. From October, 1776, to January, 1771, Messrs. Harvey and Caswell successively held that position. Throughout these years Harvey, Caswell, Harnet and others continuously sat in the legislature, and a part of the time with Thomas Person. Person was an able, courageous, and from his wealth and other causes, influential man. He was a Regulator, and the representative from Granville of the Regulators. The Nutbush papers were issued from Granville June 6, 1765. These published papers, together with the published "advertisements" of the Regulators following on year after year, clearly set forth the grievances of Person's constituents. From these facts alone the plea of ignorance will not be entertained.

But we are not left to inference. The stench of corruption and oppression in this country had reached England. Upon his appointment



to the governorship Tryon received instructions from England to this effect :

"You are hereby strictly enjoined and required forthwith to cause fair tables of all fees legally established within the Province under your government to be fixed up in every public office within your said government [not effected April 12th, 1772; Col. Rec. of N. C., Vol. 9, p. 279], and also to publish a proclamation—expressing our indignation at these unwarrantable and dishonorable practices and strictly enjoining and requiring all public officers whatever from receiving other than lawful fees."

On the 15th of August, 1765, Tryon wrote home that "they [the legislature] did not enter into an examination of their public funds; I shall, however, recommend again the necessity for such an inquiry."

At the meeting of a new assembly, October, 1766, in his address Tryon recommends "a remedy to prevent further neglect and embezzlement of sheriffs," etc. November of that session the House appointed Caswell, Person, and Harnet a committee to settle these accounts. They were not settled, however, but the bill for building the palace was enacted and further taxes laid for the same. This in November, 1766. And the following January, Tryon writes that through the "embezzlement

of sheriffs" (Col. Rec. of N. C., Vol. 7, p. 294) "and deficiency of currency" (Col. Rec. of N. C., Vol. 7, p. 570; Vol. 7, p. 792; Vol. 8, p. 651) "two-thirds of the taxes levied were never applied to the purpose for which they were laid."

At a session held December 5, 1767, he urges in his address, "The necessity for making as well your public funds as the embezzlement and irregularities practiced by several collectors of the Province for some time past a principal object of your important inquiries; and I humbly submit that no provisions will be found against these abuses as long as a jealousy exists of the Chief Magistrate, being particularly informed of the receipts and disbursements of the public money and until his freedom of inspection and examination into the state of the funds (which cannot imply a possibility of abuse to the public) is admitted and acknowledged as necessary. Though this opinion is founded on a principle of equity and distributive justice to the public, I shall, nevertheless, on a delicate subject like this, rest my judgment entirely to your wisdom and discretion."

On the reassembling of the legislature, October, 1769, in his address the Governor resubmits a remedy for "expelling that cloud which has ever obscured the public accounts of the

Province. The community will then cheerfully pay the public levies, satisfied they are fairly adjusted and applied to the services intended." Here in his address to the legislature the Governor adopts the ideas and almost the identical language of the Regulators in their repeatedly published complaints. If he had not in hand a copy, he certainly had in mind their papers, as doubtless did the several members. He tells these men to do justice by the people and then the Regulators will "cheerfully pay" those taxes which by preconcert among themselves they had quit paying for the identical reasons here endorsed by the Governor. Finally, in dissolving this Assembly, November 6, 1769, declaring his great disappointment at their non-action in this matter, he says:

"The plan I laid before you for your future funds, if adopted by the legislature, will produce the happiest effect to this country ever experienced; though the act should be the only act passed in that session. But this blessing is not to be obtained for this country while the treasurers, late sheriffs and their sureties can command a majority in the lower house," etc. (Col. Rec. of N. C., Vol. 8, p. 140.)

On the 5th of December, 1770, in his speech to a new legislature—Caswell now being speaker—Tryon addressed them again in this

language: "I offer in the most urgent manner for your consideration abuses in public funds and general complaint against public officers and offices." (Col. Rec. of N. C., Vol. 8, p. 282.) The justice or injustice to the legislature of the Governor's charge of complicity with late defaulting "sheriffs and their sureties," who filled the Province, in no wise affects the question of their knowledge or ignorance of the abuses so frequently and earnestly called to their attention. But, like other facts here cited, it precludes the possibility of ignorance on their part. (Col. Rec. of N. C., Vol. 7, p. 570; Vol. 8, p. 114.)

The vindication of those leaders who made war at Alamance upon their wronged fellow-subjects must be based upon other reasons than the necessity of the situation, or their own mistake of the facts, or their fear of British governors.

The offensive vaporings of Harmon Husband, if such they were, and the publication of a cruel slander upon a good man, if you please, do not excuse a grave and responsible body, clothed with power, for making war upon the homes, the wives, and the little ones of a wronged community.

The fact is, that in Tryon's approach lay the presage of evil for the Province, wholly devoid

of compensation. His vanity subjected the country to debt and to taxation that took from the plow the workhorse of the poor and stripped from the back of his wife her "homespun dress." John Harvey declared it ruinous. (Col. Rec. of N. C., Vol. 7, p. 570.) In the County of Orange, and not very far from the present seat of the University of North Carolina, at Chapel Hill, when the sheriff was going over the county distraining and selling property of every man who did not instantly pay his taxes, or the amount demanded, accompanied, too, by his deputies, and perhaps others, well armed and attending him as a life guard, he came to the house of a poor man who was not at home; but, as if determined not to be wholly disappointed in his object, and not finding anything else, or enough of anything else to satisfy his demands, he took off the wife's dress, which she had on at the time, and which she had made with her own hands, sold it under the hammer for her husband's tax, and then, giving her a slap with his hand, told her to go and make another. This was related to me some fourteen or fifteen years ago by an old gentleman of respectability in that region; and he gave it merely as illustrative of the course pursued by the "tax gatherers" in that quarter. (Rev. E. W. Caruthers, *The Old North State* in 1776, pp. 21, 22.)

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### CHAPTER III

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Early Immigrants to North Carolina; Tryon Denounces Harmon Husband as a "Blatant Demagogue"; Husband a Prisoner of Edmund Fanning; His Friendship with Benjamin Franklin; "Sermon on Asses;" Parentage and Early Life; Location and Estates on Deep River; the Organization of the Regulators in April, 1767; Petition of Regulators to Governor and General Assembly; Regulators Go to Court; Copies of Cases as Disposed of at Hillsborough Court; Regulators Enter the Temple of Justice and Take Out Lawyers and Court Officials and Whip Them on Court-house Green; They Compel Edmund Fanning to Plead Law Before a "Mock" Judge; Take Him Out and Whip Him, Then Destroy His Furniture and Burn His Home; Fanning's Nativity and Education; Lord Granville's Land Agents and Their Frauds; Unlawful Taxes and Extortionate Charges; Rednap Howell—His Nativity, Doggerel Poems, and Teachings as a Regulator; Preparations to Resist Further Oppression and Extortion.

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The influx into central and western North Carolina at that time of a most desirable population—Baptists, Scotch-Irish Presbyterians and German Lutherans and Quakers—was unprecedented perhaps in the history of any colony. This Tryon declared it to be, and to it his ambition put an end, for he drove away many excellent men by his war upon the people. (Col. Rec. of N. C., Vol. 8, p. 654.) In the first ad-

dress to its Assembly by this adroit, aggressive, bold, bad man, he sectionalized the Province and sowed seeds of dissension that bore unhappy fruits for nearly a century. Foreseeing, he foretold the rapidly approaching consequences of the heavy immigration just spoken of; he excited the fears and jealousy of the then all-powerful eastern section of North Carolina, political and religious; and to these are due largely the abuse and neglect that nurtured the Regulators.

Tryon, though an ambitious, despotic tyrant, seemed sincerely to have entertained "just abhorrence" of these speculations practiced upon the people, although he tolerated such. His sin was ambition, as his urgent appeals for the governorship first of North Carolina and afterwards of New York show; and his evident desire for war and subsequent parade and exaggeration of feats performed before the home government clearly establish the same. (Col. Rec. of N. C., Vol. 8, pp. 694, 754.)

The old scheme of rendering Husband odious by the application to him of "blatant demagogue," etc., with the issue confessedly in his favor, and then seeking by association to cast reflected odium upon all Regulators, will neither longer succeed nor escape detection under present light. Nor will the commingling

of merited praise and adulation with unjust and hurtful criticism of the Regulators confuse the mind and prevent a righteous decision.

Having adduced adequate cause and praiseworthy motive for the course pursued by a large body of men, why does Moore assign their cause to "one base and designing man?" Moreover, having previously claimed for North Carolina (Moore's History, Introduction, Vol. 1, p. 16) that the "first blood shed in America to resist British tyranny was at the battle of Alamance," the author is estopped from justifying the murder of the patriots who fell upon that field. With this proud and just claim for North Carolina, how can we reconcile the subsequent statement that "upon the heads of his opponents, not Tryon's, lies the guilt of the blood of Alamance"? (Moore's History, Vol. 1, p. 132.)

The legislature knew that they themselves, the Governor, and his judges were responsible for the condition of affairs; otherwise their rejection of the Governor's petition for money with which to suppress "an host of scoundrels" who with strong arm had silenced the courts of the country is inexplicable. (Col. Rec. of N. C., Vol. 8, p. 525.)

With the original records of the time, or authentic copies of the same at hand, intelligent readers will not believe that "Col. Wm. Dry,"



of the Council, and collector of the port at Brunswick; that "Gen. Thomas Person," that "Governor Alexander Martin," and others of their standing were the "tools of one base and designing man. (Moore's History, Vol. 1, pp. 124, 131.) \*Nor was Hunter ever his "lieutenant."

Of this base man it is recorded: "He had been arrested May the 2d, and notwithstanding all his sermons and speeches urging the people to resist their oppressions, we have his own confessions of what a *craven-hearted wretch* the noisy demagogue was. It came into my mind that if I made Colonel Fanning some promise he might let me go. So on my notion he was sent for and came to see what I wanted. Says I, 'if I may go home I will promise not to concern myself any more whether you take large fees or not.' It took with him, and after humming a little he repeated what I must promise, which as near as I can remember was to this effect: 'You promise never to give your

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\*NOTE.—The Regulators had drunk "damnation to King George;" and in his appeal to the legislature of 1770-71 (Tryon's Proclamation, Col. Rec. of N. C., Vol. 8, p. 253) Tryon based it on the ground that they were the enemies of the "Constitution;" and in his address after the battle announced that the "fate of the Constitution had depended on the success of that day." Herein lies the sole possible apology for their crime, for in common with all America at that time our people were attached to the crown—the Regulators alone excepted.

opinion of the laws nor frequent the assembling of yourself among the people, nor show any jealousy of officers taking any extraordinary fees, and if you hear others speaking disrespectfully or hinting any jealousies of that nature, that you reprove and caution them, and that you will tell the people you are satisfied all the taxes are agreeable to law and do everything in your power to moderate and pacify them.' All of which I promised." (Moore's History, Vol. 1, p. 117.)

We have already stated that Husband was a friend and kinsman of Benjamin Franklin, of Pennsylvania, with whom he kept up regular communications. Franklin was accustomed to send Husband printed pamphlets, which he copied or printed, and distributed among the people. From one of these entitled "State of Affairs" it has been believed that he concocted his "Sermon on Asses."

This, however, is a mistake. There is a volume entitled "Sermons to Asses," the production of an English clergyman of republican tendencies, whose name was Murray. This was reprinted in Boston, but neither the English nor American edition bore the author's name on the title page. In New England many attributed the work to Franklin. On a comparison of this work with the publication of

Husband it will be seen that the "Sermons on Asses" are, with slight alterations to adapt them to the latitude of North Carolina, copied from Murray. Will the reader allow us to detain him with some extracts from these productions? They indicate great shrewdness and good sense, and we fear are not without applicability in some respects to our own times; at any rate, they will furnish him with materials from which his own mind will form a better picture of the times than we can delineate (Rev. F. L. Hawks, Rev. His. of North Carolina, p. 19):

Jacob is the first that is mentioned in scripture who preached to asses; but many have been thus employed since his time. This is a most shameful monosyllable, when applied to reasonable creatures;—men endowed with reason and understanding to degenerate so basely; what a falling off is here!

\* \* \* \* \*

What does these burdens mean, which Issachar couched down so decently under? Civil and religious slavery, no doubt. Strange, that such a number of Rational creatures should bear two such insupportable burdens. Ah, I had forgot that they were asses;—for, to be sure, no people of any rational spirit could endure such grievous bondage.

\* \* \* \* \*

A strong ass, in the original word, denotes strength, but implies leanness. And truly all those who submit to slavery are poor. We have not a word of his notion;



—he was strong, but not active to assert his rights and privileges.

Rest was pleasant to him;—and thus it happens now, we sit still at ease, trusting to the good of the land, and concluding, every one, I can live out my time in peace and quiet;—forgetting our posterity, and mourning not for the afflictions of Joseph.

When men thus degenerate, they will always find some ready to fix burdens on them; for slavery don't come in a day, it is a work of time to make men perfect slaves.

Issachar stooped down; he well deserved a heavy burden for his meanness;—it is a just reward;—for such as do not value freedom and liberty, before a little present ease, deserves to be slaves.—They are blessings too valuable to be enjoyed without care and industry to maintain them.

\* \* \* \* \*

But Italy and Spain are not the only places where people believe absurdities;—in the land where freedom has been the privilege and boast of every subject, we may, perhaps, find plenty of asses.—You will say, not in America, a land renowned for all sorts of liberty;—A nation to which there is none equal upon the face of the earth, as we know of. In some provinces in America this may have been the case;—but we, in North Carolina, are not free;—yet to the King, or to the plan of our constitution, nothing can be laid that tends to effect our Liberties.—But we have sold that liberty which our ancestors left us by this constitution to such men as have not the least pretensions to rule over us.

Are we free while our laws are disapproved of by nine-tenths of us?—Are we free while it is out of our power to obtain one law that is our choice?—Take out our oppressors themselves, and many of our laws are disagreeable to the inhabitants to a man: And worse

than all this, for bad as our laws are, the practice of them is worse, and our oppressors have got out of reach of them.

\* \* \* \* \*

Ye who, like Issachar, for the love of ease, or the gratification of some sordid passion, have sold your liberties, and submit to burdens, as unnatural as they are unreasonable,—your character is drawn, in the text, to that of asses. And worse than asses you are, who thus give up the cause of your country either to civil or religious dominators.

\* \* \* \* \*

Issachar, I wish thy children had all died in the first generation;—for thy offspring is too numerous; they are in church and state; whoever will attend any place of concourse will find many of thy descendants so stupid, that they every day bring themselves under burdens they might easily prevent.

I shall now consider some grievous oppressions that we labor under.

First,—The public taxes is an unequal burden on the poor of this province, by reason the poorest man is taxed as high as the richest. Allowing the taxes to be all necessary, yet there ought to be some regard had to the strength of the beast; for all asses are not equally strong. We ought to be taxed according to the profits of each man's estate. And as we have no trade to circulate money, this tax ought to be paid in country produce. There would be men enough to be found to fill all posts of office for a salary paid in produce, as any man can afford to officiate in an office for country produce as well as to farm or allow any other calling, the chief of which bring in nothing else.

This is a grievous burden on the poor, as matters have been carried on, for money is not to be had: And when

a poor man's goods is distrained, the practice has been to take double, treble, yea, ten times the value has sometimes been taken away.—And if they complain, they are not heard; if they resist, they are belabored like asses.

Merciful Lord, would any people rise in mobs to disturb a peaceable nation if they could help it! Who is more ready than the poor to venture their lives in time of war for the safety of the nation? Nay, it is pinching hunger and cold, brought on them by abuse of officers, that is the cause.

A few men may rise in a riot without a cause; and disaffected lords and great men may have such ambitious views encouraged by some enemy prince;—but for the generality of the poor of a Province to rise, there must be some cause; I dare say there always is a grievous cause.

Neither is it any reflection on the King, to say, the poor are oppressed; for he don't make our laws:—'Tis the subjects themselves, like the fish, devouring one another, with this difference, we are devoured by law.

The narrow limits of our inferior court's jurisdiction, and likewise of a single magistrate, is a grievous burden on both poor and rich; and more so as we are obliged to fee lawyers; and in their demands they have got above the law, and have monopolized the whole power of the courts into their own hands. Our burdens exceed Issachar's; for truly we may be said to labour under three,—the lawyers use us as we do our stock, they kill one here and there, or pluck us well, and then let us run a while to feather again.

We must make these men subject to the laws, or they will enslave the whole community. General and private musters are also an unnecessary burden, especially in our large counties, the outsides of which have to ride from thirty to fifty miles; and the outsides of a county contain more than the heart. Going to one of these mus-

ters generally costs a whole week's labor.—And on the whole, costs the counties at least a Thousand pounds each. A general muster is one week's loss in a year, which is one-fiftieth part of the year.—Four private musters one week more, which is one twenty-fifth part.—Working on the roads and attending courts, will soon reduce it to one-twelfth part of our time.—And of what service is all this cost attending the militia law? It serves to bring custom to a few Ordinary Keepers, and for a day of gaiety and feasting to a few individuals, who have been vain enough sometimes to publish such a day's diversion in distant Gazettes.

With what indignation must a poor ass read such a paragraph of such vain boasting of such a crowd of poor asses, faint with hunger, cold and thirst, laying out two or three nights by a fire in the wood, to perform this journey; destitute even of a great-coat or blanket; and of no use under the sun but to make a show of grandeur to a few who, perhaps, are the most unworthy in the county.

This excess has not been practiced perhaps in many counties;—But it is not amiss to check it, lest it should grow, and you be tied neck and heels for the latest affront, and made to ride the wooden mare.—It is enough to make a free man's flesh creep to read this law;—which might be more tolerable, were the people allowed to choose their own officers.—It would be needless to mention every circumstance of oppression in this which is yet but the civil burden.

\* \* \* \* \*

I shall now proceed to the 3d head, to consider of a method to remove these burdens.

When the time of an election comes on, and those men of the world, who rule by wealth, and whose business it is to corrupt their fellow-subjects, and cheat

them by flattery and corruption; out of their liberty, come to ask your votes,—do you despise their offers, and say to them: Your money perish with you.

Can it be supposed that such men will take care of your interests who begin with debauching your morals, and ruining your souls by drunkenness?—Will that man have the least regard for your civil interest and property who first attempts to ruin your virtue?—What opinion must they have of such people, who, for a few days riot and gluttony will sell their liberties, but that they are asses, that want to be watered?

While men are thus slaves to their lusts, they will never be free. Men that do so easily sell their souls will not value their country.—Where there is no virtue, there can be no liberty;—it is all licentiousness. What Issachars are such People who give their votes for a man who neither fears God nor loves mankind! who, by the very method he pursues to obtain his election, has it in their view to make you pay for it in the round.

Secondly, Forever despise that man who has betrayed the liberty of his constituents; this will lay a restraint upon the venal disposition of such as incline to sell their country for preferment. It would be a check to hinder them from going into the schemes of a Governor.—Never send those who depend on favor for a living, or on the perplexity of the laws, nor any who have ever discovered a want of good principles.

North Carolinians, if you remain under these burdens, it must be your own fault;—you will stand recorded for asses to all generations if you do not assert your privileges before it is too late to recover them.

It is not disloyalty, nor injurious, to give Instructions to the candidates you choose, and take their solemn promise and obligation, that they will follow those instructions. This is far more noble than rioting a few days in drunkenness. Assemblymen are your servants,



and it is but reasonable they be made accountable to you for their conduct.

Mark any clerk, lawyer or Scotch merchant, or any set of men, who are connected with certain companies, callings and combinations, whose interests jar with the interest of the public good.—And when they come to solicit you with invitations to entertainments, &c., shun them as you would the pestilence.

Send a man who is the choice of the country, and not one who sets up himself, and is the choice of a party; whose interest clashes with the good of the public. Send a Christian, or a man whom you think in your consciences is a real honest, good man;—for this is the Christian, let his belief, as to creeds and opinions be what it will.

Beware of being corrupted by flattery, for such men study the art of managing those springs of action within us, and will easily make us slaves by our own consent.—There is more passions than one that these men work upon; there is drunkenness, love of honour, flattery of great men, love of interest, preferment, or some worldly advantage.—They, by taking hold of these springs within us, insensibly lead us into bondage.

When any man, who has much of this world, so that his interest weighs down a great number of his poor neighbors, and employs that interest contrary to the principles of virtue and honesty, any person of the least discernment may see he is a curse to the nation.

When men's votes are solicited, or overawed by some superiors, the election is not free.—Men in power and of large fortunes threaten us out of our liberty, by the weight of their interests.

North Carolinians, Are you sensible what you are doing, when, for some small favor, or sordid gratifications, you sell your votes to such as want to enslave



your country?—You are publishing to all the world that you are asses.—You are despised already by the sister colonies.—You are hunting your trade; for men of public generous spirits, who have fortunes to promote trade, are discouraged from coming among you.

You are also encouraging your own assemblymen to enslave you; for when they, who are elected, see that those who had a right to elect them had no concern for their true interest, but that they were elected by chance, or power of their own, or some great man's interest, such men will be the more ready to vote in the assembly with as much indifference about the interest of their constituents as they had in voting them in.

\* \* \* \* \*

You may always suspect every one who overawes or wants to corrupt you; the same person will load you with burdens. You may easily find out who was tools to the governor, and who concurred in past assemblies to lay burdens on us, the edifice, paying the troops, the associates' salaries, &c. Send not one of them ever any more; let them stand as beacons; set a mark on them, that ages to come may hold their memories in abhorrence.

May not Carolina cry and utter her voice, and say, That she will have her public accounts settled; that she will have her lawyers and officers subject to the laws.—That she will pay no taxes but what are agreeable to law.—That she will pay no officer nor lawyer any more fees than the law allows.—That she will hold conferences to consult her representatives, and give them instructions; and make it a condition of their election, that they assert their privileges in the assembly, and cry aloud for appeal of all oppressive laws.

Finally, My brethren, whenever it is in your power, take care to have the house of assembly filled with

good honest and faithful men; and encourage and instruct them on all occasions: And be sure to let your elections be no expense to them.

Balaam, I confess, loved the wages of unrighteousness too much. His conduct with the Almighty seems to have been similar to some men who have too strong a desire after drink, or to gratify some other lustful passion, who will plead with conscience, and contrive a hundred ways to gain its consent.—I have heard a drunken man say he had made excuses in himself to go out with his gun, and kept working all day in his mind, till he had got the tipling house between him and home, when he has instantly got in a great hurry to get home by the dram-shop, and arguing, that now he really needed one dram;—has got so blinded by this time as, like Balaam, no more to see the angel that stood in his way.

We generally get in a hurry of business before we can lose sight or get shut of our guide.—Lo, Balaam gets in great haste, was up early, and saddled his ass.

And no doubt but his heart was full of the hopes of the rewards full of great expectations, and perhaps was telling over in his mind what large sums of money he should bring home and how he should be honored by the princes of Moab; and meditating, may be, what a pious work he would put the money to.—The Lord had given him leave to go, but no doubt he ought to have kept cool and resigned, and not have got in such a hurry, and filled his mind with such proclamations, that he could not see his guide that was to direct his steps.—Well, he is so blind, however, that conscience was invisible to him—when on a sudden, the ass started aside, and crushed his foot against the wall.

When the Lord opened the mouth of the ass to speak in human style, one would have thought it would have frightened any man almost out of his senses.—But

Balaam was not easily frightened, but he was for caning and killing her.

So when any poor ass now-a-days opens her mouth in human style or by way of teaching and reproving the rulers, they use him as Balaam did his ass, cane him with discipline, and threaten him with excommunication as the Pharisees did the man who was born blind.

And Balaam's ass spoke much like the complaints of an enslaved people.—Am not I thine ass?

Balaam had his ass saddled and prepared for mounting before he got on to ride;—so likewise it requires some pains and furniture to prepare a people to bear the yoke of slavery.—In civil administration, their general cry is to maintain courts of justice.—In matters of religious concern, it is necessary to have the people well persuaded of the rights and importance of the clergy, and the divinity of creeds and canons of churches, before they will submit to be mounted or ridden like asses.

\* \* \* \* \*

Harmon Husband was by birth a Pennsylvanian, or of Pennsylvania parents, who had removed to North Carolina. He was a Quaker preacher and held large estates on the banks of the great Alamance, and between the Alamance and "Buffalo Ford" on Deep River. Husband was a member of the lower House of the General Assembly and a prominent man in his community. He was one of those independent Quakers (educated at the honest school of William Penn) who refused to pull off his hat and bow before the minions of despotism, in consequence of which he shared the contempt of the Governor. But the frowns of power could never

drive him from the faithful performance of what he considered his duty to his constituents. He was a man of grave deportment, superior mind and great influence, undoubted courage; charged with the highest element of bravery, having imbibed from Benjamin Franklin ideas of freedom and independence, he applied the spark which ignited the fuse that flamed into wild conflagration which eventually destroyed the system of English domination in the New World. On the 6th of June, 1765, he delivered an address at Nut Bush, in Granville County, on the deplorable situation of outrageous extortion with which the people were oppressed. From his book on the Regulation, we reproduce this address herewith.

(FROM HUSBAND'S BOOK ABOUT THE REGULATION.)

*A serious address to the inhabitants of Granville County, containing a brief narrative of our deplorable situation by the wrongs we suffer. And some necessary hints with respects to reformation.*

\* \* \* \* \*

Well, gentlemen, it is not our form or mode of government, nor yet the body of our laws, that we are quarrelling with, but with the malpractice of the officers of the county courts, and the abuses we suffer by those that are empowered to manage our public affairs; this is the



grievance, gentlemen, that demands our serious attention. And I shall show you that most notorious and intolerable abuses have crept into the practice of the law in this county, and I doubt not into other counties also, though that does not concern us.

In the first place, there is a law which provides that every lawyer shall take no more than fifteen shillings for his fee in the county court. Well, gentlemen, which of you has had his business for fifteen shillings? they exact thirty for every cause; and three, four, and five Pounds Sterling for every cause attended to with the least difficulty; and in the Superior Court they exact as fees almost as many hundreds, and laugh at us for our stupidity and tame submission to these demands, &c.

Again, a poor man gives his judgment bond for Five Pounds, which bond is by the creditor thrown into court. The Clerk of the Court has to enter it on the docket, and issue execution, the work of one long minute, for which the poor man has to pay forty-one shillings and five pence. The clerk, in consideration of his being a poor man, takes it out in work, at eighteen pence per day. The poor man works some more than twenty-seven days to pay for this one minute's writing.

Well, the poor man reflects thus: When will I get to labor for my family, at this rate? I have a wife and a parcel of small children suffering at home, and here I have lost a whole month. I don't know for what, for my merchant or creditor is as far from being paid as ever. However, I will now go home and try to do whatever I can. Stay, neighbor, you have not half done yet, for there's a damn'd lawyer to stop yet, for you empowered him to confess that you owed this Five Pounds, and you have thirty shillings to pay for that, or go and work nineteen days more; and then you must go and work as long for the sheriff for his trouble, and then you may

go home and see your horses and cows sold, and all your personal estate, for one-tenth of its value, to pay off your merchant; and lastly, if your debt is so great that all your personal estate will not be sufficient to raise the money, then your lands the same way, to satisfy these accursed caterpillars, that will eat out the very bowels of our commonwealth if they are not pulled down from their nests in a short time. And what need I say to urge reformation? If these things were absolutely according to law, they are enough to make us throw off all submission to such tyrannical laws, for were such things tolerated, it would rob us of the means of living; and it were better to die in defense of our privileges than to perish for the want of the means of subsistence. But as these practices are contrary to law, it is our duty to put a stop to them before they quite ruin our country, and before we become slaves to these lawless wretches, and hug our chains of bondage, and remain contented under these accumulated calamities.

I believe there are a few of you who have not felt the weight of these iron fists. And I hope there are none of you but will lend a hand towards bringing about this necessary work (viz., a reformation). And in order to bring it about effectually we must proceed with circumspection, not fearful, but careful.

First, let us be careful to keep sober—do nothing rashly—act with deliberation.

Secondly, let us do nothing against the known established laws of our land, that we appear not as a faction endeavoring to subvert the laws, and overturn the system of our government. But let us take care to appear what we really are, free subjects by birth, endeavoring to

recover our lost native rights, and to bring them down to the standard of law.

6th June, A. D. 1765.

Nutbush, Granville County, North Carolina.

(Colonial Records of the State of North Carolina, Vol. VII, pp. 89, 90.)

In October, 1766, he drew up a written complaint entitled, "An Impartial Relation of the Rise and Cause of Recent Difficulties in Public Affairs." The signers agreed to form an association to regulate public affairs in Orange County.

In 1768-69 and 1770, Regulation meetings became frequent, notwithstanding the Governor's legislation to stop such meetings (Col. Rec. of N. C., Vol. 8, p. 481). This aggravated his Royal Highness, Governor Tryon, whom the Cherokee Indians had given the appropriate cognomen the "Great Wolf of North Carolina." Petition after petition was framed and addressed to the Governor and General Assembly. Below we give a transcript of their conferences for March 22d, 1768, April 4th, April 25th and April 30th, 1768, in order that the reader may fully understand the situation.

At the last meeting held on April 30th, 1768, Harmon Husband was selected as one of the settlers to meet the county officers and vestrymen of Orange and adjoining counties.



## (REGULATOR ADVERTISEMENT NO. 5.)

The request of the Inhabitants on the West side of Haw River to the Assemblymen and Vestrymen of Orange County :

The 22nd March, 1768.

Whereas, the Taxes in the County are larger according to the number of Taxables than adjacent Counties, and continues so year after year, and as the jealousy still prevails amongst us that we are wronged, & having the more reason to think so, we have been at the trouble of choosing men, and sending them after the civilist manner, that we could know what we paid our Levy for, but could receive no satisfaction for. James Watson was sent to the Maddock's Mills, and said that Edmund Fanning looked upon it that the country called him by authority, or like as if they had a right to call them to accompt. Not allowing the country the right, as they have been accustomed to as English subjects, for the King requires no money from His subjects but what they are made sensible what use it's for, we are obliged to seek redress by refusing to pay any more until we have a full settlement for what we have paid in the past, and have a true regulation with our Officers, as our grievances are too many to notify in one piece of writing. We desire that you, our Assemblymen and Vestrymen, may appoint a time before our next Court at the Court House, and let us know by the Bearer, and we will choose men to act for us, and settle our grievances until such time as you will settle with us. We desire that the Sheriffs will not come this way to collect the Levy, for we will pay none before there is a settlement to our satisfaction; and as the nature of an Officer is a servant of the publick, we are determined to have the Officers of this country under a better and honester regulation than

they have been for some time past. Think not to frighten us with rebellion in this case, for if the Inhabitants of this Province have not as good a right to enquire into the nature of our constitution and Disbursements of our funds as those of the Mother Country, we think it is by arbitrary proceedings that we are debarred of that right; therefore, to be plain with you, it is our intent to have a full settlement of you in every particular point that is a matter of doubt with us, so fail not to Answer by the Bearer; if no answer, we shall take it for Granted that we are disregarded in this request again for the Publick.

(Col. Rec. of N. C., Vol. VII, pp. 699, 700.)

(REGULATOR ADVERTISEMENT NO. 6.)

At a general meeting of the REGULATORS, held April 4th, 1768, it was agreed to send Peter Craven and John Howe to request the late Sheriff and one Vestryman to meet 12 men that we shall choose, on Tuesday after the Court, to produce to them a copy of a list of the Taxables for each year, and a list of the number and the names of the insolvents returned each year, with an account how the money was applied, to whom paid, and to what uses both Vestrymens and Sheriffs, and to request our representatives to confer with them in our behalf, and to show us law for the customary fees that has been taken from Deeds, Indentures and Administrations, &c. If the time appointed don't suit them, let them appoint them another more suitable; 2nd, that we hold a general meeting the first Monday in July, October, and January and April of each year following, until the business be completed to satisfaction, at the Meeting House near Moses Teague's, to which each Chief is to send one or more representatives from a private meeting of his own company to attend to confer on further business, according to our Association Paper already agreed on the day, and

sooner, or at any other time when an emergency requires by public notice.

(Col. Rec. of N. C., Vol. VII, pp. 702, 703.)

(REGULATOR ADVERTISEMENT NO. 7.)

At a council of REGULATORS, held the 25th April, 1768:

Be it remembered, that our Minister has paid us a visit upon more than ordinary weight and concern, and by the power of persuasions and argument hath restrained us from going to the Town of Hillsborough until the 11th day of May, unless there should be any Distress or Levys, on which day a certain Number, not exceeding twelve men, of penetrating judgment, shall be selected out of our REGULATORS and sent to the said Town of Hillsborough, then & there to propose and deliberate on such matters as shall be conducive to the preservation of our public and private Interest.

Signed and delivered in the presence of

Ninian Hamilton

William Butler

Jno. Lowe

Isaac Jackson

James Hunter

(REGULATOR ADVERTISEMENT NO. 8.)

At a general meeting of the REGULATORS, on April 30th, 1768, it was laid before us—an appointment of the Officers, by the means of the Rev. Mr. Micklejohn, to meet us on the 11th day of May next, to settle the several matters of difference between us, and it was agreed on that we send 12 men that we have chosen, to meet on the said 11th day of May at Thomas Lindley's, when we hope things will be set in a fair way for an amicable settlement, and Mr. Hamilton is appointed to contrive them a

copy hereof and bring from under our (their) hands if they will meet with us.

John Marshall,  
Rednap Howell,  
John Burtson,  
George Henry,  
Charles Smith,  
James Hunter,

John Pryor,  
Harmon Husband,  
William Maffet,  
William Cox,  
Simon Dixon,  
Thomas Christian,

John Butler,

Appointed Settlers.

At a convention of REGULATORS & ASSOCIATES held at George Adam Sallings (Sally's) on Rocky River, April 30th, 1768—the following articles of Settlement and Oath were agreed upon:—

Instructions to the settlers appointed by the Country... . . . .

1. Procure for us a list of the Taxables for the years of the two late Sheriffs, with a list of the names of the insolvents returned and the delinquents.
2. Procure us a fair accompt of the money paid, and for what uses applied, with a citation of every Law for the same.
3. Procure us a copy of all the several particulars of the Tax for 1767, with a citation precisely for every Law for the same; endeavor to be satisfied in your judgment that it is agreeable to the intent and meaning of it, so as you may be able to satisfy us.
4. Procure also an account of the County and Parish Tax for the same year, endeavoring in the same manner to satisfy yourselves of its agreeableness in every particular.

5. Examine the true Cost by Law for recording and Proving Deeds.
6. Examine the true cost by Law for Letters of Administration, Letters Testamentary, Indentures, and Fees in Common Law.

The Form of the Oath or Declaration.

We do swear or declare that we will, in all the above-mentioned articles, above mentioned, for the settlement between the Officers and the country, do equal right and justice after our cunning, wit and power, according to law, as far as we know or can find out; that we will not wrong any for Fee or Gift, Reward or otherwise, but will truly act honestly as Settlers for the Country, and that we will not suffer any officer to have his Oath in any matter depending before us, but will have them settled according to law, producing Receipts and other sufficient Discharges for the Country's money, with Lists of the Insolvents for every year. (Col. Rec. of N. C., Vol. 7, pp. 731-2.)

It would be doing grave injustice, however, to the Regulators to omit special reference to the following petition setting forth in detail the grievances under which they labored and the remedies they proposed therefor. The people of Orange and Rowan Counties in 1769 addressed the following petition:

To His Excellency, WILLIAM TRYON, Esq.,

His Majesty's Governor in Chief, In and over the Province of the Colony of North Carolina, and Presiding Officer of the General Assembly of North Carolina.

The petition of us, the citizens of Orange and Rowan counties, Humbly petition and ask that the following acts be passed:

I. To disqualify lawyers and clerks from holding seats in the Assembly.

II. To give the clerks salaries, and to take away fees.

III. To confine lawyers to fees prescribed by law.

IV. To call in all acting clerks and to fill their places with gentlemen of property and intelligence, and insert in said act a clause prohibiting all judges, lawyers, or sheriffs from receiving their fees before the suit in which they become due was finally determined, which they hoped would prevent the odious delays in justice, so destructive, yet fatally common among them.

V. To repeal an act prohibiting dissenting ministers from celebrating the rites of matrimony according to the forms prescribed by their respective churches, a privilege they were debarred of in no other part of His Majesty's kingdom, and a privilege they stand entitled to by the Act of Toleration, and, in fact, a privilege granted to the very Catholics in Ireland and the Protestants in France.

VI. To divide the Province into proper districts for the collection of taxes.

VII. To tax every one in proportion to his estates; that however equitable the law as it then seemed might appear to the inhabitants of the maritime ports of the Province, where estates consisted chiefly of slaves though their estates were in proportion in many instances as a thousand to one, for all to pay equal was very grievous and oppressive.

VIII. To repeal the Summons and Petition Act, which was replete with misery and ruin to the lowest class of people in the Province, and in lieu thereof to pass an act to empower a single magistrate to determine

all actions for less than five or six pounds, without appeal, to be assisted, however, by a jury of six men, if demanded by either party.

IX. To make inspection notes on imperishable commodities of the produce of this Province lawful tender, at stated prices, in all payments throughout the Province.

X. To divide the county.

XI. To make certain staples of manufacture to answer foreign demands.

XII. To ascertain what taxes were collected in 1767, by whom, and to what purpose they were applied specially, and look into the matter of taxes generally. [This was done in view of the belief that £27,000 were collected more than was due.]

XIII. To provide that the yeas and nays should be inserted in the journals of the Assembly, and that copies of the journals be sent to every magistrate.

The people of Anson County petitioned the Governor and General Assembly, complaining that while the Province labored under general grievances, the western part thereof labored under *particular* ones. "Particular Restrictions" which they claimed the right to make under the English Bill of Rights:

MR. SPEAKER AND GENT OF THE ASSEMBLY:

The Petition of the Inhabitants of Anson County, being part of the Remonstrance of the Province of North Carolina, HUMBLY SHEWETH—

That the Province in general labour under general grievances, and the Western part thereof under partic-

ular ones, which we not only see, but very sensibly feel, being crouch'd beneath our sufferings: and notwithstanding our sacred privileges, have too long yielded ourselves slaves to remorseless oppression. Permit us to conceive it to be our inviolable right to make known our grievances, and to petition for redress, as appears in the Bill of Rights pass'd in the reign of King Charles the First, as well as the act of Settlement of the Crown of the Revolution. We therefore beg leave to lay before you a specimen thereof, that your compassionate endeavors may tend to the relief of your injured Constituents, whose distressed condition calls aloud for aid. The alarming cries of the oppressed possibly may reach your Ears; but without your zeal how shall they ascend the throne—how relentless is the breast without sympathy, the heart cannot bleed on a View of our calamity; to see tenderness removed, cruelty stepping in; and all our liberties and privileges invaded and abridg'd (by as it were) domesticks; who are conscious of their guilt and void of remorse. O how daring! how relentless! whilst impending Judgments loudly threaten and gaze upon them, with every emblem of merited destruction. A few of the many grievances are as follows (viz):

1. That the poor Inhabitants in general are much oppressed by reason of disproportionate Taxes, and those of the Western Counties in particular, as they are generally in mean circumstances.

2. That no method is prescribed by Law for the payment of the Taxes of the Western Counties in produce (in lieu of a Currency), as in other Counties within this Province, to the People's great oppression.

3. That lawyers, Clerks, and other petitioners, in place of being obsequious Servants for the Country's use, are become a nuisance, as the business of the people is often transacted without the least degree of fairness, the in-



tention of the law invaded, exorbitant fees extorted, and the sufferers left to mourn under their oppression.

4. That an Attorney should have it in his power, either for the sake of ease or interest, or to gratify their malevolence and spite, to commence suits to what Courts he pleases, however inconvenient it may be to the Defendant, is a very great oppression.

5. That all unlawful fees taken on Indictment, where the Defendant is acquitted by His Country (however customary it may be), is an oppression.

6. That Lawyers, Clerks, and others, extorting more fees than is intended by law, is also an oppression.

7. That the violation of the King's Instructions to his delegates, their artfulness in concealing the same from him, and the great Injury the People thereby sustains, is a manifest oppression.

And for remedy whereof, we take the freedom to recommend the following mode of redress, not doubting audience and acceptance, which will not only tend to our relief, but command prayers as a duty from your humble Petitioners:

1. That at all elections each suffrage be given by Ticket & Ballot.

2. That the mode of Taxation be altered, and each person to pay in proportion to the profits arising from his Estate.

3. That no future tax be laid in money, until a currency is made.

4. That there may be established a Western as well as a Northern and Southern District, and a Treasurer for the same.

5. That when a currency is made it may be let out by a Loan office (on Land Security), and not to be call'd in by a Tax.

6. That all debts above 40s. and under 10 Pounds be tried and determined without lawyers, and by a jury of

six free holders, impaneled by a justice, and that their verdict be enter'd by the said justice, and be a final judgment.

7. That the chief Justice have no perquisites, but a salary only.

8. That clerks be restricted in respect to fees, costs and other things within the course of their office.

9. That lawyers be effectually barr'd from exacting and extorting fees.

10. That all doubts may be removed in respect to the payment of fees and costs on Indictments where the defendant is not found guilty by the jury, and therefore acquitted.

11. That the Assembly make known by Remonstrance to the King the conduct of the cruel and oppressive receiver of the Quit Rents, for omitting the customary easy and effectual method of collecting by distress, and pursuing the expensive mode of commencing in most distant courts.

12. That the Assembly in like manner make known that the Governor and Council do frequently grant lands to as many as they think proper without regards to Head Lights, notwithstanding the contrariety of His Majesties Instructions; by which means immense sums has been collected, and numerous Patents granted, for much of the most fertile lands in the Province, that is yet uninhabited and uncultivated, environed by great numbers of poor people who are necessitated to toil in the cultivation of bad lands whereon they can hardly subsist, who are thereby deprived of His Majesties liberality and Bounty: nor is there the least regard paid to the cultivation clause in said Patent mentioned, as many of the said council, as well as their friends and favorites, enjoy large quantities of lands under the above-mentioned circumstances.

13. That the Assembly communicates in like manner the Violations of his Majesties Instructions respecting the Land Office by the Governor and Council, and by their own rules, customs and orders, if it be sufficiently proven, that after they have granted Warrants for many Tracts of Land, and that the same was in due time surveyed and return'd, and the Patent fees timely paid in the said office; and if the private council was called on purpose to avoid spectators, and peremptory orders made that patents should not be granted; and Warrants by their orders arbitrarily to have issued in the names of other persons for same Lands, and if, when entreated by a solicitor, they refus'd to render so much as a reason for their so doing, or to refund any part of the money by them extorted.

14. That some method may be pointed out that every improvement on Lands in any of the Proprietors' part be proved when begun, by whom, and every sale made, that the eldest may have the preference by at least 300 acres.

15. That all taxes in the following Counties be paid as in other counties of the Province (*i. e.*), in the produce of the county, and that warehouses be erected as follows (*viz*):

In Anson County, at Isoms Hasley's Ferry Landing, on Pe Dee River.

In Rowan and Orange, at Campleton, in Cumberland County.

In Mecklenburg, at ....., on the Catawba River.

In Tryon County, at ....., on ..... River.

16. That every denomination of people may marry according to their respective Mode, Ceremony and custom, after due publication or License.

17. That Doctor Benjamin Franklin or some other known Patriot be appointed Agent, to represent the unhappy state of this Province to His Majesty, and to solicit the several Boards in England.

Dated October ye 9th, 1769.

|                       |                      |
|-----------------------|----------------------|
| John Snor,            | David Smith,         |
| Isaac Armstrong,      | James Berker,        |
| Wm. Thomson,          | John Mims,           |
| Authd Hutchings,      | John Brooks, Junr.   |
| Seamour Almond,       | Wm. C. B. Bond,      |
| John Ryle,            | John Bond,           |
| John Culpeper,        | Moses T. Tallant,    |
| John Jones, Sr.,      | Benja Dumas,         |
| Wm. Griffin Hogon,    | Joseph White,        |
| Richard Maner,        | Wm. Sidden,          |
| Samuel Gaylord,       | Silvanus Walker,     |
| Richard Sands,        | John Smith Sondhill, |
| Jason Irol Hinsinbru, | David Dumas,         |
| Thomas Preslar,       | Benjamin Smith,      |
| Thomas Culpeper,      | William Benton,      |
| Isaac Falconburg,     | Wm. Coleman,         |
| Francis Smith,        | Alexd. McPherson,    |
| Jno. Jeffry,          | E. Pickett,          |
| Neal Frenck,          | Thomas Gowers,       |
| Jero Miller,          | Jonathan Gowers,     |
| Tirey Robinson,       | Stokey Yeamons,      |
| Gabril Davis,         | Thos. Harper,        |
| Aquilla Jones,        | John Johnson,        |
| Thomas Tallant,       | James Upton,         |
| James Denson,         | Jacob Watson,        |
| Wm. Raiford,          | Isaac Belyin,        |
| John I. Merree        | Owen Slaughter,      |
| Geo. Wilson,          | Thomas Wright,       |
| Robert Webb,          | Patrick Sanders,     |
| Thomas Taylor,        | William Ussery,      |

William Jowers,  
Shadrack Denson,  
Joseph Harrison,  
Joseph Howlett,  
Tomas Ussery,  
John Thomas,  
Benj'm Covington,  
Isam Haley,  
Silas Haley,  
George Belvin,  
William Blewet,  
Dan'l Laws,  
Abraham Bellew,  
Thos. Donner,  
Joseph Hinds,  
Wm. Haley,  
Thomas Moorman,  
Frances Clarke,  
John Watts,  
John Davis,  
Rich'd Leak,  
Charles Hines,  
John McIlvaily,  
Van Swearingen,  
William Hore,  
Joseph Martin,  
Thomas Nelson,  
William Burns,  
John Leveritt,  
Theofilis Williams,  
Wm. Leveritt,  
James Williams,  
John Coleman,  
Meager Edwards,  
Antho Mathis,  
Fegan Gring,

Samll Ratcliff,  
Burlington Rudd,  
John Murphy,  
John Liles,  
James Liles,  
Thos. Arrington,  
James Macnejh,  
Thomas Fox,  
Henry Stokes,  
John Brooks, Jun.,  
Thadwick Hogins,  
Thos. Barrotz,  
Jas. E. Arnet,  
Daniel Culpeper,  
John Snider,  
Wm. Mims,  
Robert Smith,  
Zacheriah Smith,  
John Smith,  
John Thomas,  
Will'm Burt,  
Edward Smith,  
Elijah Clark,  
John Clark,  
James Adams,  
Thom. Mason, Junr.,  
John Bennett,  
Jonathan Turner,  
Barnabee Skipper,  
George Skipper,  
John Jenkins,  
David Phelps,  
John McNish,  
John Cockerham,  
Jonathan Lewellyn,  
Leonard Franklin,

Edward Almond,  
Thos. Mims,  
John Stinkberry,  
William Leaton,  
Luke Robinson,  
John Webb,  
Andrew Griffin,  
George Estress,  
James Griffinn,  
Wm. Estress,  
Stephen Bush,  
Joseph Burcham,  
Stephen Piecock,  
David Jernigan,  
Robt. Jarman,  
William Thredgill,  
Robt. Lowery,  
Dennis Norlen,  
Lewis Lowery,  
Edward Chambers,  
Thos. Pickett,  
Jowl Jorman,  
Jomond Lloyd,  
Tho. Word,  
William Lucas,  
Christopher Butler,  
Jacob Sowl,  
Edward Morris,  
William Treneen,  
John Williams,  
John Burcham,  
William Sowel,  
John Carpenter,  
Francis Jourdan,  
Henry Burcham,  
William Morris,

John Morgan,  
James Burcham,  
James Sanders,  
Joseph Morris,  
Jeremiah Terrill,  
Darass Bruns,  
Thos. Bailey,  
Stephen Bush,  
Jacob Cockerham,  
John Flowell,  
Stephen Jackson,  
John Jone,  
Archelam Moorman,  
William Digge,  
Bennakia Moorman,  
Will'm Halet, Junr.,  
John Mathews,  
James Mathews,  
Joseph Web,  
John Falconberry,  
Andrew Falconberry,  
Isaac Falconberry, Junr.,  
Henry Falconberry,  
Thos. Trull,  
Wm. Culpeper,  
John Cooper,  
Jno. Thos. Scruggs,  
John Long,  
Charles Smith,  
James Bound,  
Abraham Pelyou,  
Jason Meadow, Jr.,  
Jason Meadow,  
Robert Broadway,  
Saml Tonehburg,  
Samuel Flake,

|                   |                         |
|-------------------|-------------------------|
| Thos. Balice,     | Augustine Prestwood,    |
| John Preslie,     | Richard Downs,          |
| John Cartright,   | Elisha Ratcliff, Junr., |
| Thos. Lacy,       | Elisha Ratcliff,        |
| John Jackson,     | John Poston,            |
| Joseph Frech,     | John Hornbeck,          |
| William Newberry, | John Poston, Sr.,       |
| Loenaed Webb,     | Ned Mathes,             |
| Julius Holley,    | Benjamin Hunt,          |
| John James, Jun., | Samuel Sowell,          |
| John James, Sr.,  | Charles Sowell,         |
| Jimmy James,      | James Gibson,           |
| Jonathan Helms,   | William Gibson,         |
| Tilmon Helms,     | Joseph Hunt,            |
| James Sanders,    | Richard Braswell,       |
| John Bailey,      | George Braswell,        |
| David Cox,        | William Lucas, Junr.,   |
| John Horback,     | Joseph Allen,           |
| Beaty Webb,       | Wm. Morris, Junr.,      |
| Isaac Incest,     | Lewis Sowell,           |
| William Webb,     | John Skinner,           |
| Walter Gibson,    | Jesse Wallas,           |
| Silvester Gibson, | Welcome Ussery,         |
| William Dinkins,  | Mathew Raiford, Junr.,  |
| Thomas Dinkins,   | Elisha Thomson,         |
| Marverick Lyan,   | John Thomson,           |
| Waterman Boatmen, | Goin C. Morgan,         |
| John Simmons,     | Christopher Christain.  |

## (REGULATOR ADVERTISEMENT NO. 9.)

TO THE GOVERNOR & COUNCIL, &C.

The humble Petition of us the Subscribers sheweth that We the Inhabitants of Orange County pay larger Fees for recording Deeds than any of the adjacent Counties, and many other Fees more than the Law allows, by

all that We can make out, from which a jealositie prevails that we are misused, and application has been made to our representatives to satisfy us. But we were disregarded in the said application upon which the said discontent, growing more and more so as to threaten a disturbance of the public peace; we therefore beg that those matters may be taken under your serious consideration and interpose in our Favour, so that we may have a fair hearing in this matter, and (be) redressed where we have been wronged. Our complaints are too numerous and long to be notified in a Petition, but have sent herewith copies of the Applications, Petitions, &c., that has been made on this Occasion, with a small sketch of our misusage, and begging your protection and approbation in so just and equitable an undertaking and an opportunity to be heard, We conclude, your humble Petitioners,

Simon Hadley,  
John Youngblood,  
John Bullen,  
James Barnes,  
Peter Youngblood,  
George Wilson,  
James Youngblood,  
Samuel Dark,  
William Paine,  
John Grubbs,  
James Barns,  
Richd. Copeland,  
William Levy,  
Brinceley Barnes,  
Eron Harlow,  
Ulrick Whit,  
John Baxter,  
John Bricks,  
John Crow,

Richard Smith,  
David Thornton,  
Thomas Riddle,  
Jeremiah Melton,  
Jonie Maudlin,  
Randolph Check,  
Benjamin Maudlin,  
James Willet,  
Charles Landron,  
Aaron Evans,  
Jereh Duckworth,  
Noel Brur,  
George Adam Salling,  
Frances Dorset,  
William Jons,  
James Emberson,  
Thos. Sellers,  
Thomas Hamm,  
Henry Smith,



|                        |                        |
|------------------------|------------------------|
| Cornelius Latham,      | Josiah Rogers,         |
| Alex. Awtry,           | Thos. Thornton,        |
| Thos. Hopper,          | Sam'l Culberson,       |
| Richard Webb,          | Thos. Pugh,            |
| Daniel McCay,          | Edward Teage,          |
| William Green,         | John Hornaday,         |
| Peter Cravin,          | Enoch Davis,           |
| Jacob Horn,            | Richard Henderson,     |
| John Wilson            | Solomon Cox,           |
| Joseph Park,           |                        |
| William Inglish,       | Thomas Jones,          |
| Thos. Youngblood,      |                        |
| Nickless Brewer,       | Thos. Bailey,          |
| Rednap Howell,         | Thos. Craven,          |
| David Smith,           | Jas. Murray,           |
| William Copeland, Sr., | James Copeland,        |
| Thomas Glover,         | John Penton,           |
| Enoch Spinks,          | William Hutson,        |
| Eshmael Williams,      | Math. English,         |
| Luke Welsh,            | William Copeland, Jr., |
| Jacob McDanil,         | William Dunkin,        |
| Nehemiah Williams,     | John Marshalls,        |
| —— Brown,              | William Caps,          |
| John Maudlin,          | Abram Bradley,         |
| John Henderson,        | Laurence Bradley,      |
| Marton Firnier,        | Charles White,         |
| John Ramsey,           | Joseph Clark,          |
| Will Boilstone,        | James Will,            |
| Larance Muchucenes,    | Benjamin Grubbs,       |
| Eron Stinton,          | John Erwin,            |
| Andrew Culbison,       | David Brown,           |
| Robert Wilkins,        | James Wilson,          |
| Nath. Henderson,       | Andre Jones,           |
| Thomas Moore,          | Enoch Pugh,            |
| William Sanders,       | Matthew Davis,         |
| Thos. Branson,         | Alex. Kenedy,          |

Walter Walsh,  
Mansfield Crow,  
Thomas Waller,  
Thos. Alexanders,  
Jacob Grigg,  
Jacob Grigg,  
Henry Bray,  
Henry Welsh,  
Nicholas Barker,  
Thos. Cox,  
Jesse Harrison,  
John Hart,  
John Fike,  
John Smith,  
Daniel Smith,  
Adam Moser,  
Jacob Whit,  
Edward Bray,  
Daniel ———,  
John Murphey,  
Joseph Carr,  
Frederick Temple,  
John White,  
John Graves,  
David Jackson,  
Edward Moore,  
Peter Craven,  
Joseph Craven,  
Calib Dixon,  
Wm. Henderson,  
Abrm. Hammer,  
Neh. Howard,  
Saml. Barker,  
Thos. Needom,  
Wm. Needom,  
Joshua Edwards,

George Raines,  
Joseph Henson,  
Timothy Tukins,  
William Henson,  
Jacob Fudge,  
Geo. Hendrey,  
James Williams,  
John McVay,  
Gidn. Gilbert, Jr.,  
Charles Goldstone,  
Wm. Drinkin,  
Charles Miles,  
Daniel Dowdy,  
John Miles, Sr.,  
Robert Wilkins,  
Wm. Bannistor,  
Wm. Wilkins,  
Alex. Wilkins,  
Wm. Caps,  
Francis Pooley,  
Randol Check,  
Jerem. Melton,  
John Miles, Jr.,  
Nathaniel Powel,  
Oyen Doud,  
Neh. Howard,  
Umfrey Pooley,  
Thos. Miles,  
Wm. Barber,  
Richd Barber,  
Solomon Morgan,  
John Wilkins,  
Wm. Learey,  
Philip Hartzo,  
Marverick Layux,  
Jonathan Gilbert,

|                     |                    |
|---------------------|--------------------|
| Joshua Gilbert,     | John Boe,          |
| John Miles, Jr.,    | his                |
| John Maudlin,       | Jas. X Hugh,       |
| Joseph Boggs,       | mark               |
| John Noe,           | James Willet,      |
| John Hilton,        | Isaac Brooks,      |
| Larance Marmanee,   | Wm. Tomson,        |
| John Capin,         | John Brooks,       |
| Nath. Henderson,    | James Brooks,      |
| Wm. Crowwell,       | Walter Welch,      |
| Daniel Winter,      | Geo. Adam Salling, |
| Frances Cheny,      | Thos. Fullar,      |
| Michael Ramsouer,   | John Youngblood,   |
| John White,         | Peter Youngblood,  |
| John Hart,          | Amos Vernon,       |
| Zach. Harman,       | James Brown,       |
| Rubin Landrum,      | Robert Brown,      |
| Patrick Calley,     | Jonathan Davis,    |
| Ayen Brady,         | Thos. Davis,       |
| John Sidewell,      | Jesse Hadley,      |
| Richd. Hutson,      | Abm. Thornton,     |
| Wm. Moffit,         | John Smith,        |
| John Pugh,          | John Brox,         |
| Joseph Sutton,      | Nich. Aldridge,    |
| Jeffrey Beck,       | Roger Marfey,      |
| Thos. Grames,       | Wm. Tague,         |
| Patrick Kelly,      | Howel Brooer,      |
| Prusley Wren,       | Charles White,     |
| Harmon Cox,         | James Aldridge,    |
| Stephen Harlan,     | Wm. Ward,          |
| John Fudge,         | Jas. Brantley,     |
| Thos. Hendrey, Jr., | Benj. Braswell,    |
| James Maudlin,      | John York,         |
| Benjamin Maudlin,   | Robert Delap,      |
| Daniel Brown,       | Enoch Pugh,        |

|                     |                    |
|---------------------|--------------------|
| John Shiphard,      | Thos. Beaty,       |
| Thos. Roberson,     | Thos. Wilborne,    |
| Charles Clauton,    | Thos. Moon,        |
| Nichlos Coplin,     | Saml. Skin,        |
| Argulus Henderson,  | Wm. Marly,         |
| Benj. Clanton,      | John Cowen,        |
| Valentine Corlin,   | Daniel Sanders,    |
| Nicklos Coplin,     | Uldric White,      |
| John Fuller,        | Gilbard Croswell,  |
| Thos. Fuller,       | Peter Givil,       |
| Thos. Coplin,       | Hendrey Senderman, |
| James Pugh,         | John Patterson,    |
| John Raines,        | John Barton,       |
| John Tarrance,      | John Bery,         |
| Saml. Latham,       | Will Smith,        |
| Peter Vonstrauoer,  | Slan Richardson,   |
| Adam Andriss,       | Aquila Jones,      |
| Conrad Andriss,     | Charles Jones,     |
| Nehemiah Odle,      | Thos. Jones,       |
| Edward Lang,        | John Moris,        |
| Abraham Stroud,     | Jas. Oliver,       |
| Walter Ashmore,     | John Barnes,       |
| Thos. Hendrey, Sr., | Thos. Greaves,     |
| Gidn. Gilbert, Sr., | James Ramsey,      |
| John Fruit,         | Wm. Greaves,       |
| Richard Smith,      | Richard Wineham,   |
| Thos. Swift,        | James Ellis,       |
| Jacob Marshill,     | John Duncum,       |
| Joshua Hadley,      | Wm. Alrid, Sr.,    |
| John Acuage,        | Wm. Alrid, Jr.,    |
| John Croswell,      | Wm. Norton,        |
| Muicher Lille,      | Thos. Ranetalor,   |
| Jacob Dobbins,      | Wm. Craswill,      |
| Ely Branson,        | John Craswill,     |
| Thos. Thornton,     | Thos. Belhany,     |
| John Marswaine,     | Thos. Sellers,     |

Harmon Husband,  
Nimian Hamilton,  
Wm. Butler,  
Stephen Jones,  
Peter Richardson,  
Sam Curtis,  
Stephen Owen,  
James Morgan,  
Thos. Green,  
Wm. Ward,  
James Burgiss,  
Barth. Dunn,  
Wm. Ward, Jr.,  
Philbert Wright,  
Wm. Hintrand,  
Jos. Jonson,  
Thos. Hill,  
Zekel Thomas,  
John Clap,  
Wm. Gillmore,  
Jesse Pugh,  
Bartoledum Dun,  
Peter Julian, Jr.,  
Joseph Chafen,  
Adam Larence,  
Thos. Kumian,  
Joseph Phipps,  
John Flemmin,  
John Phipps,  
Peter Smith,  
Peter Julian, Sr.,  
Wm. Kiniman,  
Hugh Wyley,  
James Phipps,  
Stephen Johns,  
Wm. Rancy,

Powell Glase,  
Philip Glase, Sr.,  
Philip Glase, Jr.,  
Christian Glase,  
James White,  
Augustin White,  
Joshua Fuller,  
James Bly,  
John McClelland,  
James Aiken,  
Timothy Penton,  
Joseph Routh,  
John Gapen,  
Patrick McSwaine,  
Drury Rollins,  
Thos. Wilson,  
Peter Youngblood,  
Thos. Elick Sanders,  
John Wilkins,  
Alex. Wilkins,  
Howell Brewer,  
Philip Sitton,  
John Fanin,  
James Moffitt,  
Joshua Hadley,  
George Cortner,  
Peter Cortner,  
John Goble,  
Nicholas Goble,  
Philip Shew, Sr.,  
Geo. Navit,  
Nathan Aldridge,  
John Morris,  
Timothy Code,  
James Hunter,  
Robert Walker,

|                   |                   |
|-------------------|-------------------|
| Samuel Devine,    | Wm. Fany,         |
| James Sweany,     | Peter Ceinght,    |
| Thos. Hamilton,   | Wm. Springfellow, |
| Wm. Davis,        | Wm. Walker,       |
| Jerem. Fields,    | Joseph Richerson, |
| Wm. Jones,        | John Par,         |
| John Berry,       | Lodwick Clapp,    |
| Jacob Johns, Sr., | John Walker,      |
| Jacob Johns, Jr., | Ezekiel Cure,     |
| Arch. Hamilton,   | Geo. Clap,        |
| David Ruine,      | Tobias Clap,      |
| John McCoy,       | John Pleourt,     |
| Ruddy Morgan,     | Abr. Hilton,      |
| Henry Pickral,    | Philip Shaw, Jr., |
| Archey Lane,      | Barnit Swing,     |
| Wm. Cane,         | Lodwick Swing,    |
| Thos. Melone,     | Christen Fall,    |
| James Davis,      | Conrad Shoemaker, |
| James Christian,  | Jacob Soots,      |
| Thos. Feutral,    | Michael Honest,   |
| Jacob Rogers,     | Jacob Droy,       |
| Hysom Rogers,     | Nich. Hillerman,  |
| Sion Rogers,      | Christian Sike,   |
| Hysom Waver,      | Jacob Christman,  |
| Damsey Roles,     | John Luin,        |
| James Younger,    | James Low,        |
| Wm. Morrow,       | James Oliver,     |
| Joseph Foshea,    | Jacob Stelie.     |
| Wm. Mitchell,     |                   |

There are also thirty-one Dutch names which the English reader could not make out.

(Colonial Records of the State of North Carolina, Vol. VII, pp. 733-737.)

## (REGULATOR ADVERTISEMENT NO. 10.)

At a General Meeting of the Regulators and numbers of other inhabitants of the County of Orange, held at George Sally's, on the 21st May, 1768, agreed on last meeting:

It was unanimously agreed to continue our Petition to the Governor, Council & Assembly for redressing very grievous, cruel, iniquitous and oppressive practices of our Officers, which We generally conceive We have laboured under these many years, contrary to Law and in pursuance to a verbal message sent us by His Excellency our Governor, sent express by His Secretary, Mr. Edwards, delivered to us the third day of this Instant. We unanimously agree to renew our Petition to the Governor, and as sundry forms of said Petition have been read here this day and signed by sundry neighborhoods, We appoint Wm. Maffit, Wm. Cox, Hermon Cox, John Lowe, John Marshall, James Hunter, Rednap Howell and George Hendrey to form one out of the whole referring to the separate complaints for information of Grievances, and, being conscious of our loyalty to King George the Third, now on the British Throne, and our firm attachment to the present Establishment and form of Government, which we sincerely believe all our grievances are quite opposite & contrary to, by the downright roguish practices of ignorant and unworthy men who have crept into Posts of Office and Practised upon our ignorance and new settled situation, We therefore order the above Committee to implore the Governor's pardon and forgiveness in the most submissive manner for any errors we have committed that is or may be construed to derogate from the honor of His Majesty's Person, Crown, or Dignity, or tending to (derogate from) the peace or good order of Government; and, for His better information, We likewise order said Committee to pre-

pare copies of all our proceedings which (have been) agreed on by our body from the beginning, to go with the said Petition, and they are to send a suitable number of said Committee to wait on the Governor as soon as possible with the same. And as we have received a letter from Anson County informing us of an Association there on the same account, and requesting an information of the manner of our proceedings, We order a copy of this to be sent them immediately to prevent speedily their running into errors, believing their scruples to be well grounded & their intention good and honest, and to be followed with copies of all the rest of our papers. And the Public who have any grievances are desired to send the same to some one of the Committee before Next Monday come week, when they are to meet at the house of Hermon Cox, on Deep River, for the purpose above mentioned.

(See Colonial Records of North Carolina, Vol. VII, pp. 758, 759.)

(REGULATOR ADVERTISEMENT NO. II.)

ADDRESS OF THE REGULATORS TO GOVERNORS TRYON AND  
THE COUNCIL.

*May It Please Your Excellency and Your Honors:*

At a Committee of the Regulators, held May 21st, 1768, a Committee was appointed to form a Petition to be laid before Your Excellency and your Honors, wherein among other things it was ordered us to implore the pardon & forgiveness of the Legislature, for whatsoever has been acted amiss, &c. (See Paper No. 10.) And as a Petition had been already formed, we agree to let stand, and in lieu of a better present you with a plain, simple narrative of Facts accompanied with and supported by authentic Papers, and such as have been from time to time sent to our Officers. This We humbly con-



ceive will give you a more clear and distinct idea of our grievances and the several causes thereof than anything could be conceived in form of a Petition. As to the other part of our instructions, which were to implore your Clemency in behalf of the poor oppressed People, we undertake it with innate pleasure, humbly beseeching your Excellency and your Honors, and every one of you, graciously to forgive, and pardon not only them, but every one of Us, anything that by you may be construed as derogatory to His most sacred Majesty's Prerogative, Person, Crown, or Dignity, or in opposition to His Laws, or that may in any wise contribute to the Disquiet, Dissatisfaction, or Infelicity of your Excellency's Administration whereby to deprive you of that Bliss you promised yourself when appointed by His Majesty to rule over Us. And we assure, Gentlemen, that neither Disloyalty to the best of Kings nor disaffection to the wholesomest Constitution now in Being, nor yet Dissatisfaction to your present Legislative Body, gave rise to these commotions which now make so much noise throughout the Province. Which, after you have candidly perused this Paper, together with the concomitant proofs, you will easily perceive that those disturbances had their source in the corrupt and arbitrary Practices of nefarious & designing men, who, being put into Posts of Profit and Credit among us, and not being satisfied with the legal benefits which arose from the execution of their Offices, have been using every artifice, practicing every Fraud, and where these failed threats and menaces were not spared whereby to squeeze and extort from the wretched Poor, who, as Colonel Fanning himself observes in the petition he has sent us (if 'tis his), with their utmost efforts can scarce gain a wretched subsistence for themselves and families. Allowing this to be a truth, which it lamentably is, how

grievous, judge you, dear Sirs, must it be for such wretches to have their substance torn from them by those Monsters in iniquity, whose study it is to plunder and oppress them! People can feel oppression, and yet be utterly ignorant how or where to apply for redress. This was absolutely the case with us, & looking on, Colonel Fanning, as our fast friend, in whom we could confide (in fact, the favors we have conferred on him one would imagine were sufficient to rivet him to our interest, were he susceptible to gratitude). We applied to him to screen us from the many arbitrary and fraudulent impositions we continually groaned under; how far and to what purpose that Gentleman has answered our Expectations, together with the Artifices he practiced to elude our hopes, and evite (shun) the consequences of a Settlement, the several Papers wherein are contained the Transactions will more fully inform you. You will likewise perceive that those frequent applications, and the satisfaction we promised ourselves to redound therefrom, prevented us from laying our Complaints & grievances sooner at your feet, as being unwilling to give You any trouble, on that score, before we had tried our every effort to accommodate and terminate matters among ourselves. But 'tis our fate to be constrained to give you this trouble, and, what we sincerely regret, great uneasiness. We therefore humbly beseech you to take our affairs under your serious consideration, and if it appears to you that we have been oppressed, to grant us such justice on our Oppressors as to you in your great goodness, candor and wisdom shall seem meet. We shall just add, that we should have given you this Trouble sooner, but that we have been so embarrassed by your Officers ever since they understood our resolution to seek you for redress, that we could not bring our affairs to any Conclusion, seeing

they have left no stone unturned by the which they hoped to retard our designs. Flattery on one hand, and menaces on the other, have not been spared to deter us from our Purpose of complaining, as may be seen by the Papers marked B. C. D.; but when they found all was ineffectual, they changed their Battery, and endeavored by their Emissaries to prevail on or frighten us to sign a Petition marked E, drawn up among themselves, and sent us in a letter marked C by Mr. Ralph McNair. You will see how this petition is calculated entirely to screen themselves, and throw the blame on your poor supplicants. We, however, have sent it to you, together with all the Papers we have received from them, that as it contains some truths, however disguised, whereby you will plainly discover the deplorable situation of Our miserable County, and the reason in a great measure, namely, the unequal chances the poor and weak have in contentions with the rich and powerful, and as 'tis attested by an enemy, you will the readier give it credit. However, not longer to trespass on your Patience, we shall, without further Preface, proceed to our promised Detail:

In the year of 1766, there appearing a general Discontent in the countenances of the People, & grievous murmurings ensuing, the Popular Voice gave out that the demands of Court Officers for Fees of every kind were exorbitant, oppressive and extra-legal. In order, therefore, to prevent such Frauds, if real, or if only imaginary, to give our Offices an opportunity to still those clamors by disproving their entity, We drew up the Paper No. 1, and John Marshall waited on them with Copies of the same at the Inferior Court, August Term, Mr. Thomas Lloyd being present, & the purport thereof appearing reasonable to Mr. Lloyd, he promised to give us a Hearing, but altered the day as by Appointment on

account of his attendance at the General Assembly. Wherefore, in consequence of and encouraged by Mr. Lloyd's approbation, Meetings were held in various Neighborhoods, wherein conjunctively was drawn up the Paper No. 2, and nominated 2 or 3 men in each, who signed the remainder of their Names, & exposed the same to Public View.

In expectation, therefore, of a Meeting, and a satisfactory settlement as a consequence thereof, about twelve men went to Mr. Maddock's Mill, on Eno River, the place appointed, where, waiting until late in the day, and no Officers appearing, we made a motion to disperse, but at the instance of Mr. Maddock, we waited until he could dispatch a lad to Hillsborough to inform himself of the reasons of the Officers' non-appearance, as he had frequently discoursed with them on the Subject, who had all signified their intentions to meet the People, particularly Mr. Lloyd, who had said nothing but death or sickness should prevent him. In about an hour the Messenger returned and brought word they would all instantly be on the spot, but, quite contrary to our expectations, Mr. James Watson came alone and brought a Paper marked (A), which he said Colonel Fanning had drawn up, but said Colonel Fanning had not given him any Orders to show it, and then cavilled at a word in our Paper (*viz*), Judiciously, and said that the Colonel, with the others, had been preparing to meet us some time since, but on observing the aforesaid term in our Paper No. 2, they declined it, as the word denoted we intended to set up a Jurisdiction among themselves, to which he must be subject, and, therefore, he rejected our purposes as looking more like an Insurrection than a Settlement; besides, he could not brook the meanness of being summoned to a Mill, the Court House appearing to him a more suitable place. To both

which frivolous objections, we replied that as to our Term in question we were no Criticks; that as to the Term in question We know not how many different Constructions it might bear, but as to ourselves we meant no more by it than wisely, soberly and carefully to examine the matter in hand; that with respect to the Court House, we had no right to appoint a Convention there, but to the Mill we had, having first obtained the Owner's leave to that purpose. However, in order to remove all objections, as we were conscious to ourselves that what we aimed at was just and legal, we drew up the Paper No. 3, couched, as we conceived, in such Terms as would remove all further remora (delay) to our designs; and Mr. Watson himself, after perusing the same, declared in his opinion it was reasonable, just and legal. And on our presenting Mr. Watson with a Transcript of the same, he engaged his honor to present our Officers with the same, which we think he did accordingly, for in the ensuing Court Colonel Fanning read a prolix Instrument in Court to the Justices, in contrariety to our designs of which he vaunted and asserted he had served us with Copies thereof, but we declare no such Paper ever came into our hands. Sheriffs, &c., encouraged as we imagine by the imperious Carriage of their Superiors, began now to assume airs, threatening us behind our backs, which menaces, working on the imbecility of some, and the Pusillanimity of others, caused the Association at that time to be laid aside. Nevertheless, some of the Commonalty endeavoured, to be heard at Court about paying 2s more for recording Deeds than was paid in any other County, but they were silenced. The sheriffs now grew very arbitrary, insulting the Populace and making such Distresses as are seldom known. Double, Treble, nay, even Quadruple, the value of the Tax or debt was frequently distrained, and such

their seizures hurried away to Hillsborough, there to be disposed of, and so iniquitous were they in these Practises, that by taking contrary roads or some other indirect Methods, the Effects could never be recovered, altho' they were followed with the money in a few hours after, nor could we ever learn that they returned any Overplus. For better information we refer you to the grievances proved, &c. And early last Spring Mr. Harris, our High Sheriff, published the Advertisement marked (F), in consequence whereof the People who lived in Mr. Harris' Vicinity convened and paid off at 8.4, taking receipts, but Colonel Fanning, arriving just after, gave out that the Taxes were 10.8. This heightened the rising Discontent, and inflamed the minds of the People, notwithstanding Numbers paid the 10.8, but disputed the Authority of the Act, cited in the Advertisement. When at a Meeting in Deep River for payment of Taxes, John Wood, Deputy Sheriff, being then present, being questioned about the Act, confidently persisted in the affirmative, Upon which William Moffit, on examining the Laws, no such Act could be found. Wood now finding his knavery was detected, no less confidently denied the Advertisement to be Harris's. This unprecedented Effrontery convinced the Spectators that there was Knavery and Collusion, and judging all was of a piece, formed themselves into Bodies under the denomination of Regulators, in order to oppose, if practicable, the torrent of violence and oppression, and drew up the Paper No. (4), subscribing, swearing, or declaring to the same under various Chiefs, and now the former application, coming afresh into every one's memory, and being still desirous to accommodate matters, without coming to a rupture, drew up Paper No. (5), and two of the new-formed Regulators waited on our Officers with Copies of the same, but without receiving

any satisfaction; Whereupon a second Deputation was ordered to be sent with Copies of No. (6), but before they could be set off, one of the Regulators, going to Hillsborough on some private business, had the mare he rode on seized for his Levy. Whereupon the Regulators assembled and went down in order to recover the mare, armed with clubs, staves, &c., and cloven muskets, when a Gentleman, coming to Colonel Fanning's door with his Pistols, threatened to fire among us, but a piece being presented at him, he incontinently withdrew, upon which some heated, unruly spirits fired 4 or 5 pieces into the roof of the Colonel's House, making 2 or 3 holes in the roof and breaking two panes of Glass in the dormer windows above; then having secured the mare, they rode off without doing further damage. On this being convinced in our judgments, that our proceedings were inadequate & would greatly contribute to your Excellency's dissatisfaction by embarrassing your Administration, Resolved to proceed on our first plan, viz: Petitioning your Excellency and Honors for redress (see Paper No. 4), seeing that it was denied us from every other quarter, and satisfied that we should find it in that source of wisdom, justice and Lenity. And this step, too, was resolved on by our whole Body, in pursuance whereof a Convention was held, in order to carry those salutary purposes into execution. The Paper No. 6 being delivered to Mr. McEljohn, our Rector, while in Town, about the Mare, desiring him to deliver it to the Officers in our names, which he accordingly did, for shortly after he came up among us with a verbal message, as he said, from our Officers, and by their Orders, to the following effect, viz: That if the Regulators would nominate any Number of reasonable men to meet them the 11th day of May, at Hillsborough, they would give them a settlement. At the same time

Mr. McEljohn drew up a paper, which was signed by some private Regulators (see No. 7), but signifying withal that if the Majority dissented therefrom it should be void, Which Paper was objected to, first, because it insinuated a falsity, as tho' we intended violence, whereas, in fact, no such thing was designed, whatever private Papers might be handed about by particular Persons; secondly, it was objected to meet at the Town, as we had intimation they were fortifying that place, in order, as we apprehended, to secure us in Gaol, as soon as they had us in their Power, & that this was their design will appear by the Sequel. Nevertheless, we determined to give them a Settlement in conformity to their message by Mr. McEljohn, and, greatly pleased with the happy prospect of having our differences so speedily terminated, we convened April 30th in order to appoint proper Persons as Settlers, Where we drew up the Paper No. 8, and appointed the men therein specified, Ordering one of our Body to notify the same to our Officers, and drew up and signed the Paper No. 9, lest the Officers, by again deceiving us, might put us to further trouble, which, should that be the case, it might be ready. Thus stood affairs when, on Monday Morning, May 2nd, we were alarmed at the astonishing news that Colonel Fanning, at the head of 27 armed men, consisting chiefly of Sheriffs, Bombs, Tavern Keepers and Officers, after traveling all night, were arrived by break of day on Sandy Creek, and had made prisoners Mr. Harmon Husband & Mr. M. W. Butler, the former a Gentleman that had never joined the Regulators, had never been concerned in any tumults, and whose only crime was his being active in trying to bring on the intended settlement. This extraordinary step of the Colonel's alarmed the whole County, Regulators or Anti-Regulators; all were unanimous in the recovery of the



Prisoners; many who had until then opposed the prevailing measures, now went down with the foremost, as judging none were now safe, whether active, passive, or neutral; but being arrived near the Town, we there met your Excellency's gracious Proclamation requiring us on sight thereof to disperse, and on acquainting you with our grievances, you would graciously take our case into consideration and redress them where found real, and, where only imaginary, kindly excuse the trouble in compassion to our ignorance; instantly on hearing these glad tidings we dispersed accordingly, and greatly emboldened by your Excellency's gracious Declaration, and by an agreement with Colonel Fanning to leave our case to Arbitrament of your Excellency and Honors, we convened again on May 21st, in order to consult such further measures as might facilitate our first designs. (See No. 4.)

The result of which we now lay at your Excellency's and Honor's feet for your inspection. We humbly beg leave to observe on some of Colonel Fanning's strange conduct—that on the very day he set off for Sandy Creek he directed letters to 3 of the Regulators, inviting them to Hillsborough, and promising them all imaginable satisfaction, one of which he directed to Jacob Fudge, we send herewith for your perusal; and now, gentlemen, you see we have sent without reserve of disguise our whole proceedings of this affair, having concealed nothing, whether for or against us; and as you are chosen by the contending Parties to arbitrate the difference, and as we on our parts are fully determined to abide by your decision, we humbly hope naked Truth and native Ignorance will poise a superior excellent Flourishes and consummate Declarations of our powerful Adversary, and, relying on your benignity and Justice, we humbly beg leave to subscribe Ourselves

your poor, oppressed Supplicants and very humble, obsequious servants.

Signed on behalf and by Order of Regulators by us  
The Committee,

John Low,  
James Hunter,  
Rednap Howell,  
Harmon Cox,  
John Marshall,  
Wm. Cox,  
Wm. Moffitt,  
George Hendry.

(Col. Rec. of N. C., Vol. VIII, pp. 759-766.)

LETTER FROM COL. FANNING TO MR. JACOB FUDGE.

Hillsborough, North Carolina, 1st May, 1768.

I am pleased with your pacific, prudent and orderly conduct since I last saw you, and convinced from thence that you are a man of sense and reason, and therefore should be glad to see ye, Mr. Richard Cheek and Mr. Benjamin Saxon in Town on Tuesday next without fail. You shall be used and treated kindly and civilly, and I am hopeful, by your and the other Gentlemens' conduct, there will be no more tumultuous riots and Assemblies had or instances of open and lawless violence committed, for, as I told you before, and I repeat it now again, that I declare in my conscience I am, and ever was ready to give all the Information in my power to satisfy and convince the people why and wherefore Taxes have been laid and to what purposes they have been applied. That if the People of Orange labour under any public grievance, let some few of them come to me, and I will draw a Petition to the Governor, Council & Assembly for a relief, and will prefer it at the next meeting of the

Assembly; and if they have suffered any private injury, they shall, if they apply to me, find certain and sure redress by the Laws of the Land. Let me entreat you to visit me as soon as possible, as you regard the Peace, quiet and safety of the People, & the good order of the Government, but at the same time I must inform you that I will not suffer any Insurrection or Outrage to be committed, and I have orders from the Governor by an Express yesterday to raise our own Militia, and the Militia of Halifax, Bute, Granville, Johnston, Cumberland, Anson, Mecklenberg and Rowan, to suppress the Insurrections, and if it be necessary he will come himself to enforce an obedience and subjection to His Majesty and His Laws, and to prevent further trouble, and perhaps mischief, but I do not intend that violence shall be offered to any one if I can prevent it.

Mr. Fudge, I have taken the liberty of thus writing you, as I have talked with you on this Subject, and as you have declared to me your entire satisfaction on the matter.

I am, Sir, &c.,

EDMUND FANNING.

P. S. I have sent a copy of this to Mr. Cheek & Mr. Saxon.

Yours, &c.,

E. F.

(See Col. Rec. of N. C., Vol. VII, p. 741.)

MR. RALPH MCNAIR TO MR. HARMON HUSBAND.

*Dear Sir:—*


I now, according to my promise, send you the Petition which I think ought to be sent to the Governor, nor can any man who has the least sense of the Danger these inconsiderate men have run themselves into say it is in

the smallest degree too submissive. You, Mr. Husband, to whom I have opened my thoughts on this subject more than to any other man, I expect will use your utmost influence to prevail on all you see to choose it, for you may assure yourself, from my knowledge of things, that one couched in any other terms will not, cannot, go down with the Governor. I'm afraid many of the People who are to become Subscribers would object to it, imagining they have been only doing their Duty in opposing the Publick Collectors in the execution of their Offices, and, from this Principle, that a man once exacted upon may, with a safe conscience, take any measures, however unlawful, for redress; or this, that not being satisfied as to the legality of the Collectors' demand, a man may oppose the measures of Government till his scruples are removed; but if these unfortunate, misguided People had the same opportunity of perusing and examining the Statutes of England & making the same impartial use of them that I have done since the latter disturbance, they would plainly see that their maxims, however plausible they may seem to them at first sight, are diametrically opposite to the law of nature and nations, which always were, are, and ever will be, the same. That their method of redress is wrong according to the opinion of all preceding Ages, I need only put you in mind of the ancient Fable, ascribed to Esop, of the Hands and Feet running in mutiny against the Head.

The truth of the Fable, and its having been made use of to a good purpose, We may easily credit, whether we believe there ever was such a man as Esop or not. As I have your good, Mr. Husband, and the good of the whole Country at heart, I shall unbosom myself to you in a manner I would to very few concerned. I shall, therefore, impart to you some of the knowledge I have

gained by a perusal of the Law Books. For writing, copying, carrying about or dispersing a Libel (and anything tending to stir up a People to a dislike of a Government, or even to a single Person, is a Libel), the Sentence is Confiscation of goods and chattels; Painful Punishment—Public Shame and perpetual Imprisonment—Mobs and Riots (that is, where a number rise without Arms, and only murmuring) are treated generally with Lenity as to the multitude, tho' where the Offence is against Government and ringleaders are to suffer Death, without the King's pardon. But where they take up Arms to remove a Grievance or to alter the form of Government, it is treason, of which there are four sorts: 1. Against the King's Person; 2. Against the Administration of His Laws; 3. That which concerns His Seal; and 4. Counterfeiting His Coin. Speaking of the Second Sort, it is expressly said that whether it be to remove a real or a pretended Grievance, it is deemed High Treason, and the punishment is the forfeiture of goods and chattels, lands and Tenements, and the Guilty to suffer the most horrid death allow'd by the English Laws; something of this kind I mentioned to you when at your house, but with some degree of uncertainty, but since my return I have examined more particularly, and am now convinced beyond the possibility of a doubt that the above Account is Truth. However, Sir, I can assure (you) with the utmost confidence that this affair, if it stops here, will never be represented by Col. Fanning any otherwise than as a Mob.

I have now to inform you that I have been often in Colonel Fanning's Company since I saw you, and I have had an opportunity of knowing his mind in almost every particular respecting this affair, and I find him most cordially disposed to give any who will come to His House all the satisfaction they can ask or is in his



power to give. He says he never was applied to by any man that was wronged to prosecute a Sheriff, but that he cheerfully undertook it, where he found the complaint just, and that he always would be ready to do it whenever required; that he wishes for nothing so much as that some of the principal men of the Regulators would call upon him for information in any particular they are in doubt about, and that he expects the new Laws up this week, together with the Journals of the House of Assembly, a sight whereof would silence every murmur, dispel every fear, banish all distrust, and convince the whole country how much he has been our friend, our Patron, our Benefactor. It is impossible, Sir, in the small compass of a letter (already longer than I expected) to answer particularly all the charges that I have heard against him, such as his receiving £1,500 for his trip with the Governor, his receiving £40 of the Vestry for a dinner, &c., &c., &c.; let it suffice to say that he has convinced me of the falsehood of these and many other lies that are spread abroad to his prejudice, and I shall inform you at full upon sight. And since he so much desires to see some of the principal men your way, let me beg, let me entreat you to come this way, tho' a little round about as you are going to George Sally's, and bring with you Mr. Wm. Butler, Mr. John Lowe, and Mr. James Hunter, and any two or three candid discerning men in your Neighborhood. I'm sure 'twill add much to your satisfaction, and greatly to the Peace, Quiet, Ease and happiness of the Country. For my own part I would rather you should come on Thursday evening than on Friday morning, for as I could find provision for your horses and beds for yourselves, I should by that means have an opportunity in some measure to return that kind and hospitable treatment which I so lately received on Sandy

Creek. I assure you, my dear Sir, you will find Coll. Fanning quite different from what he has been represented, and I'm certain he would find you very different from the accounts he has heard of you. The stories that have been told backwards and forwards are really amazing, and I am now convinced that nothing but downright mistake has been the cause of all the late disturbances; I therefore beg leave to return my request—nay, I conjure you, as you love yourself, as you love the peace and happiness of your country—to come down before you go to the meeting. For until the Coll. and some of the principal men meet face to face, nothing much to the purpose can be done; this I am sure of—that the Governor's reception of the Petition will depend greatly upon the Coll.'s account of the situation of things, for as he is the Chief Officer appointed by His Excellency, as he is the Representative of the County chosen by ourselves to watch over our interests, and as the Governor himself knows and was an eye witness how he labored for our Good at the last Assembly (as the Laws and Minutes of the House, I'm sure, will show us when they arrive), he undoubtedly will not attend to complaints against him till he hears what he has to say in his own vindication; but of this no more, as I expect to see you so soon & have the pleasure of seeing you in Town. This must also serve for an excuse for my not sending you the Laws by this opportunity; however, if it will afford you satisfaction, you shall carry the book home with you. The Book I spoke of borrowing for your perusal is too bulky and cumbersome for transportation; I have not, therefore, spoke of it. You see, Sir, by my taking no pains in writing to you that I treat you like my best friend; you have my thoughts just as they occurred, and every word, I assure you, is warm from my heart. My best wishes

are for the welfare of you and your Family, and you may rest assured that no man more ardently wishes the real good, peace, happiness and prosperity of this Country, or would do more to serve it according to his abilities, than, dear Sir,

Your most Obed' Servant,

RALPH McNAIR.

(See Col. Rec. of N. C., Vol. VII, pp. 767-770.)

The above petitions contain the complaints of the Regulators, couched in their own language. Do they give any indication of a want of education, a want of patriotism, or a want of regard for the law? Verily, the Regulators might well be content to rest their case, if any need there was for it, upon these two petitions, one from the inhabitants of Anson County and Regulator Petition No. 11.

In the matter of the complaints against the lawyers of that day, it will be well enough for those of the present day, and for others, to remember generally that while, as a rule, lawyers have been among the boldest and best patriots and the earliest and most earnest advocates of civil liberty, there is no rule without its exception, and specially that the lawyers of that day were made such by license from the Governor, who received for his own use a fee for license issued. It must be remembered, too, that in those days the principal remuneration of the



Chief Justice arose from fees in suits originating and pending before him.

But it is said the "Regulators were men of low degree, ignorant, depraved, violent, lawless, opposed to all taxes, hostile to all government, and without property or other stake in the Province." But this sweeping denunciation is simply untrue.

In the matter of taxes and government, the Regulators not only made no opposition to the payment of taxes lawfully levied and honestly applied, but, on the contrary, they publicly and officially declared it to be the duty of every citizen "to give part of his substance to support rulers and law."

But they say "the Regulators beat the lawyers." And so they did; that is to say, they beat Fanning and Williams. Who "Lawyer" Williams was, or how he had made himself specially odious, the records do not show. But Fanning was an extortioner and an odious county official, as well as a lawyer; and will any one say that he did not richly deserve every stripe that was laid upon him? Be it remembered, too, that the Legislature was the same *one* that passed the Johnson Act, absolutely refusing to compensate Fanning for his losses, the destruction of his house by the Regulators being an admitted and undeniable item among

those losses. Can any one say a word in defense of Fanning?

It is said also that "the Regulators broke up the courts," and so they did, but were the courts blameless? Were the Regulators without the gravest provocation? Had not the court severely and promptly punished the Regulators for rescuing a mare levied on by the Sheriff for taxes, at the same term that it refused to pass sentence upon their oppressor, Edmund Fanning, a duly convicted extortioner? What respect could a court command while it refused to purge itself of corrupt and extortionate officers in its daily presence? Fanning, the oppressor of the people, was an officer of the court and a convicted criminal in its dock; but not only did the court refuse persistently to punish him, but the Governor forced him upon the people as their representative in the legislature.

In the matter of education and social culture, in the question of morals and property, the Regulators were quite as other people of their day and generation; nor were they a class to themselves in the community which they inhabited; on the contrary, as oppression increased, they constituted the greater mass of the population. Will any of Tryon's or Fanning's apologists dare to say that the great body of the inhabi-

tants in the Central and Western portion of the Province, were men of low degree or ignorant or lawless or opposed to government, no matter how honest, or that they were poverty stricken, or even that they were in sympathy with such men? Certainly no one familiar with the history of the settlement of the magnificent valleys of the Yadkin and Catawba Rivers, and in the portions of the State west of Raleigh generally, and the character of the splendid settlers there, will accuse the great body of the people thereof with special ignorance.

If the grievances were redressed the petitioners said it would "heal the bleeding wounds of the Province; would conciliate the minds of the poor petitioners to every just measure of government; would make the laws what the constitution ever designed they should be, their protection and not their bane, and would cause joy and gladness, glee and prosperity diffusively to spread themselves through every quarter of this extensive Province, from Virginia to the South, and from the great Atlantic to the western hills."

Bancroft says "that the Regulators' petition was signed by about five hundred men and fortified with a precise specification of acts of extortion, confirmed in each instance by oath." He further states they "asked no more than that

the extortioners be brought to fair trial and the collectors of public money be called to proper settlement of their accounts." It is a fact beyond dispute, "that a long concourse of years past great sums of money have been lost by negligence or insolvency of the sheriffs and other collectors, with their sureties, and it presumed that in the same course of time considerable sums have sunk after they were lodged in the treasury, whereof no account hath hitherto been made."

In reply to the petition of the Regulators, Tryon made promises only to break them, until the people found to their sorrow that his "Excellency" was determined not to lend a kind ear to their just complaints.

Mr. Bancroft says, "Such was the craft and cunning of Fanning and the lawyers who aided and abetted his rascalities that the Regulators were doomed to disappointment in the sanguine 'hope that naked truth and native ignorance' would poise the superexcellent flourishes and consummate declamation of their powerful adversary." Bancroft and other historians have given their verdict, which is not likely to be changed by the writings of those whose methods and animus compel them to become the apologists and coadjutors of the tyrannical Tryon and the infamous, haughty Fanning.

No wonder that Harmon Husband found it an easy undertaking to organize men like himself into the famous Regulators ("Sons of Liberty,") whose policy was mutual protection against unlawful taxation, and the villainous demands of county officers and rulers. At their organization, April, 1767, they passed resolutions "to pay only such taxes as are levied by law and applied to the purpose therein, and to pay no officer more than his legal fee." (Col. Rec., Vol. 8, pp. 14 to 17, Pref. Notes.) This was the first time in this country that a body of men breathed and echoed the free spirit of liberty and independence.

The following was the form of oath administered to Regulators (Col. Rec. of N. C., Vol. 7, p. 726):

I, A B, do promise and swear that if any sheriff, county officer, or any other person, shall attempt to collect taxes unlawfully levied, or make distress on any of the goods or chattels or other estate of any person sworn herein, being a subscriber, for the non-payment of said unlawful tax, that I will, with the aid of other sufficient help, go and take, if in my power, from said officer, and return to the party from whom taken; and in case any one concerned should be imprisoned, or under arrest, or otherwise confined, or if his estate, or any part thereof, by reason or means of joining this company of Regulators, for refusing to comply with the extortionate demands of unlawful tax gatherers, that I will immediately exert my best endeavors to raise as

many of said subscribers as will be force sufficient, and, if in my power, I will set the said person at liberty; and I do further promise and swear that if, in case this, our scheme, should be broken or otherwise fail, and should any of our company be put to expense or under any confinement, that I will bear an equal share in paying and making up said loss to the sufferer.

All these things I do promise and swear to do and perform, and hereby subscribe my name.

— — (SEAL.)

Hillsborough, Orange County, North Carolina.

It was perfectly natural that this sturdy middle class, with honorable character, respected homes, country gentlemen—proprietors of their own holdings, seeing the darkening clouds of oppression gradually growing deeper and darker, with critical eye began to look for relief from such a formidable future; and they thought as well as looked. At last they determined to give their energy and manhood to suppress oppression. If there had been among them one great leader the history of the Revolution might have been different.

Harmon Husband, as leader of the Regulators, with James Hunter, James Pugh, Rednap Howell, Thomas Person, Daniel Gillespie, Jacob Byrd, and others as his allies, soon had an organization numbering more than two thousand offended farmers ensconced around

the little nestful of oppressors at Hillsborough headed by Edmund Fanning.

Bad laws unjustly executed were the greatest trials the people of Orange and adjoining counties had to endure. Besides, they had suffered grievous oppression from Lord Granville's land agents, which alone was sufficient cause for complaint.

When the oppression from this state of affairs became no longer endurable, redress was sought; at first, in the courts. They had the sheriffs and other county officers indicted for extortion. In many cases they were found guilty and fined a penny and costs. The punishment was not in accordance with the crime, and in fact all resort to the courts ended in a mockery of justice.

"When there is no good  
For which to strive, no strife can grow up from faction."

The following, copied from the docket at Hillsborough, will throw some light on the subject, so that the reader can draw his own conclusions as to the justice for the actions of the Regulators:

HILLSBOROUGH, Orange County, North Carolina.

March term of Court, 1770.

Judge Richard Henderson, presiding.

No. 38.

|                             |   |       |
|-----------------------------|---|-------|
| James Hunter <i>et als.</i> | } | Debt. |
| <i>vs.</i>                  |   |       |
| Edmund Fanning.             |   |       |

Null debit and issue plead.

John Nunn, Thos. Donaldson, Gilbert Strayhern, Jos. McAlister, John Bartell, Thos. Wilburn, Hugh Barnet, Jeremiah Horton, Henry Groves, Thos. Bradford and Ralph Williams impanelled and being sworn on their oath to speak the truth on the issue pending say that the defendant oweth nothing.

No. 39.

|                 |   |                           |
|-----------------|---|---------------------------|
| King George     | } | Indictment for extortion. |
| <i>vs.</i>      |   |                           |
| Edmund Fanning. |   |                           |

Same jury impanelled and being sworn, listen to Fanning plead "not guilty," bring in a verdict of guilty of extortion. Judge Henderson imposed a fine of *one penny and costs*. (Col. Rec. of N. C., Vol. 8, pp. 184, 185.)

Same vs. Same Indict. for extortion Same plea Same fine.

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| " | " | " | " | " |
| " | " | " | " | " |

and many others of the same class.



No. 52.

|                |   |       |
|----------------|---|-------|
| Harmon Husband | } | Debt. |
| <i>vs.</i>     |   |       |
| Abner Nash     |   |       |

Same jury as above being impanelled and sworn, find that there was no Duress and assesses the plaintiff with damages and costs.

|                |   |       |
|----------------|---|-------|
| Frances Nash,  | } | Debt. |
| Abner Nash and |   |       |
| Edmund Fanning |   |       |
| <i>vs.</i>     |   |       |

KING GEORGE III.

Same jury as above being impanelled and sworn to speak the truth on the issue pending, listen to the pleadings, each of the three come into open court and acknowledge themselves severally indebted to King George in the sum of 500 pounds sterling. The jury bring in a verdict accordingly. Judge Henderson ruled that verdict of the jury be void on condition that they each make their personal appearance at the next session of the court to be held for Hillsborough district.

|               |   |       |
|---------------|---|-------|
| Jas. Hunter   | } | Debt. |
| <i>vs.</i>    |   |       |
| Michael Holt. |   |       |

Same jury. Find defendant owes fifty pounds. Ordered later that a commission *De bene esse* be issued for the examination of . . . . . in the suit Butler *vs.* Holt.

Ordered that the sheriff of Orange take Jas. Hunter into custody until he pay the fees due to the Crown office.

Ordered that William Payne appear at next court to show cause if any he hath why he doth not pay the several fees due the Crown office.

Next day.

The indictment preferred against James Hunter, Ninion Hamilton, Isaac Jackson, John Phillips Hartsoe, William Moffitt, John Pile and Francis Dorsett for a Rout, having been returned by the grand jury "a true Bill as to all except John Pile." It is ordered by the Court that the Bill be squashed, by reason of the irregularity of the return and that the Attorney-General prepare a new Bill.

Another Indictment prepared against James Hunter, William Butler, Ninion Hamilton, Peter Craven, Isaac Jackson, Peter Julian for a Rout, having been returned by Grand Jury "a true Bill as to all except Peter Julian." This Bill was also squashed because of irregularity and Attorney-General to prepare a new Bill.

The same proceedings against Wm. Payne, etc.

At this wholesale miscarriage of justice (Col. Rec. of N. C., Vol. 8, pp. 235, 241) the Regulators assembled in the Court House yard under the leadership of Harmon Husband, Rednap Howell, James Hunter, William Butler, Jacob Byrd, Samuel Divinny, and many others, and forcibly entered the Court House, carried out several of the attorneys, and whipped them; after which they requested Judge Henderson to proceed with the docket, assuring him of his personal safety. But under pretense of adjournment until 10 o'clock the following day, he dismissed the court for the day, and at night, under cover of darkness, he took his departure before dawn of the next day. (Col. Rec. of N. C., Vol. 8, p. 243.) Before leaving the bench

he wrote on the docket that he adjourned court because he was convinced that he could not hold the court with "honor to himself and justice to the county." The reader must form his own opinion as to the "justice" meted out at this court from the proceedings given herewith. But that the people were driven to desperation by the oppression and extortion of county officers, and their inability to get justice at the sittings of the courts, together with insults from the Government's officials, for which they had no redress, is plain to the most casual observer.

When they had finished chastising the lawyers, they proceeded to take summary justice upon those who had been most obnoxious to them and who had been running the courts to their own advantage, regardless of justice. Edmund Fanning was, of all, the most contemptible in their eye, because, in addition to his extortions, by which he had become rich and was living in splendor at their expense, "his general conduct was marked with the most disgusting *hauteur*, they laid hands upon him and proceeded to give him a *flogging* that he always remembered."

The next morning they learned that Judge Richard Henderson had taken himself away during the night, instead of remaining and finishing the "docket," as he had led them to be-

lieve he would do, after being assured by James Hunter and Harmon Husband that his personal safety would not suffer any indignities. Certainly no insult was offered Judge Henderson, which would seem clearly to prove that Hunter and Husband had the crowd well in hand. Judge Henderson leaving them with the "docket" unfinished, they went into the Court House and appointed Francis Yorke, a school teacher from Randolph County, to act as clerk of the court, and set up a "mock" judge, before whom they compelled Fanning to plead law in his official capacity, and thus dismissed the "docket" of a number of cases. (Lossing, Field Book of the Revolution, Vol. 2, p. 575.) Their decisions were ridiculous, as they intended them to be. They intended the whole proceeding to be a farce; as an expression of their contempt for the authorities who were pretending to administer the law of the land. The following, copied at random from the "docket," shows the proceedings of the Regulators' Court (Col. Rec. of N. C., Vol. 8, pp. 235 to 240):

Peter Noay *vs.* E. Fanning.

Fanning must pay.

John Childs *vs.* Richard Simpson.

You keep that to yourselves to rogue everybody.

Wm. Brown *vs.* John Brown.

A shame.

Isaiah Hogan *vs.* Harmon Husband.

Hogan pays and be damned.

Ezekiel Brumfield *vs.* James Ferrell.

Slander.

Nonsense, let them agree, for Ferrell has gone hell-wards.

Michael Wilson *vs.* David Harris.

All Harrises are rogues.

John Edwards *vs.* Phillip Edwards.

Damned shame.

Thos. Frammel *vs.* Wm. Dummegan.

Dummegan pays.

Thos. Richards *vs.* Robinson York.

Plaintiff pays all costs and gets his body scourged for blaspheming.

Abner Nash *vs.* John Crooker.

Nash gets nothing.

Valentine Bruswell *vs.* Dunan McNeal, Administrator  
of Hector McNeal.

File it and darned.

Silas Brown *vs.* William Lewis.

The man was sick and it is darned roguery.

Solomon Pernil *vs.* James Ferril.

Executed on two negroes. Negroes not worth a damn,  
cost exceeds the whole.

The Regulators were so outraged at Fanning's overbearing persecutions and his insulting demeanor toward them that they dragged him from the court-room by his heels and again severely whipped him, after which they demolished his home, broke up his costly furniture, and would have burned his house, but it being

a windy day they were afraid the fire would spread to adjoining property and cause a conflagration. After having his fine house and costly furniture destroyed, total loss about £1,500, which they (the Regulators) proposed to make good to him, if he would repay the money he had unjustly taken from them, to which he answered that "he only wanted revenge and revenge he would have." (Col. Rec. of N. C., Vol. 8, p. 645.) He was feeling very sore, both in mind and *body*, the latter particularly. He was now beginning to realize that he would soon need the assistance of the Governor's strong arm to protect him from further attacks at the hands of the Regulators; whereupon he at once dispatched messengers to the Governor at Newberne, petitioning his assistance, and advising him of the Regulators' recent actions and the disruption of Hillsborough Court, and their actions toward the Governor's appointed officers, their strength and influence in the county, etc.

Edmund Fanning was a native of Long Island, New York, the son of Col. Phineas and Hannah (Smith) Fanning. He was educated at Yale and graduated with honor in 1757, and in 1766 he received the degree of "Master of Arts" from that institution, and from Harvard in 1772, and the same degree from Colum-

bia College in 1774. About 1760 he went to North Carolina and began the practice of law at Hillsborough. In 1803 his *alma mater* conferred the degree of LL. D. In 1763 he was appointed Register for Orange County, and in 1766 a judge of the Superior Court, and at a later date he was appointed Colonel of Orange County (Col. Rec. of N. C., Vol. 7, p. 199) and in 1765 he was appointed clerk of the County Court at Hillsborough. He was also a member of the Colonial Legislature from Orange County. After the Battle of Alamance he accompanied Tryon to New York as his secretary. At the assembling of the legislature in the fall of 1771 Governor Martin asked that the legislature indemnify Colonel Fanning for the loss of his property. The representatives of the people severely rebuked the Governor for presenting such a petition.

Fanning's demeanor toward the colonists was spiteful, revengeful and haughty. He extorted from them the most exorbitant fees and persecuted them with most outrageous, unreasonable taxes.

The King had entrusted the Royal Governors with extensive power, which was exercised to depress and crush the spirit of freedom and independence. The absolute veto which the Governor had over the acts of the General



**Edmund Fanning.**

**Facing page 176.**





Assembly, and the power to dissolve it at will, made him for the time being practically an absolute monarch of the Colony of North Carolina. In addition to this illegal "taxation without representation," always a fruitful source of war, Lord Granville's land agents—Childs and Champion—were perpetrating gross frauds upon the colonists, contriving by villainous means to extort money from those who had already bought and paid for their property (lands). One, being an attorney, pretended to find fault with their titles, urging them to take out new patents, for which they charged *double fees*, beside a charge of five pounds sterling for having the titles recorded.

In addition to all this burdensome, unlawful extortion of money, a standing army had to be maintained. "For a country still in the swaddling bands of infancy, with limited resources and a constricted currency—to a people struggling for existence, these burdensome *lawful* (?) taxes were unbearable." Added to all this unlawful extortion, all public officers—county clerks, registers, sheriffs and others—exactd the most exorbitant fees. Fanning and Frohock were charging as high as from three to five pounds sterling for marriage licenses. When you compute the relative value of money at that time, as compared with

the value of money today, it was equal to forty-five or fifty dollars. Many inhabitants along the Yadkin River (Jersey Settlements) in Rowan County, who could not afford such luxuries as a fifty-dollar license as a prerequisite to having the nuptial knot tied, are said to have dispensed with a license altogether, and took each other for "better or worse," unofficially "just so," and were married in the sight of God just as much as if all the law had been complied with. (Lossing, *Field Book of the Revolution*, Vol. 2, p. 571.)

The law prescribed the charges for all fees to be paid clerks of the court, recorders of deeds, entry takers, land surveyors and lawyers for certain specified services; yet Fanning at Hillsborough was charging many times the legal fees. For a minute's copying he was accustomed to charge as much as a farmer could earn all day long. For making entries for which the law allowed ten shillings, he would charge two, three, or five pounds sterling, as he saw fit. Taxes were also fixed by law, but these several officers were charging, demanding, and exacting two or three times as much as they were entitled to; and the tax gatherers, whenever they thought they could get it, would demand double fees. All officers were appointed by the Governor and were his personal

friends and allies. At this date the limited circulation of the public press made it impossible for the majority of the people to see and read the laws and familiarize themselves with such matters, so they were grievously oppressed.

The plain middle class of people hated Fanning for his bigotry and pompous overbearing. Believing that "obedience to tyrants a sin against humanity," this sturdy class set themselves together in an organization known as the "Regulators," to regulate the commonwealth into a healthier condition. The people said it was not the laws nor the form of government to which they objected, but the malpractice of the tax collectors and other County officers. (See account of a meeting at Mrs. Steele's at Salisbury on p. 63.)

It must be remembered that prior to 1749 there was no printing press in the Province and that before 1775 the only newspapers were the *Gazette*, begun in 1749, at Newberne, and continued till the Revolution, with the exception of a suspension from 1755 to 1768, and the *North Carolina Gazette*, begun in 1763, at Wilmington, but changed to the *Cape Fear Mercury* in the same year, which continued to the Revolution. With the poor mail facilities in those days, those little sheets (for they were of very

small size) had but little circulation anywhere, and none at all in the interior. They contained the legislative enactments in numbers about sufficient to supply the members only.

As before stated, the public press in those days had but a limited influence, but what power it did have was used for setting forth the grievances of the people; and here for a moment we will digress to speak of their literary works, for they furnish strong and true touches in the panorama of those early days.

The productions were sometimes in print and sometimes in manuscript. They betray no proof of classic scholarship, nor any of the elegance of polished writing, for they were literally what they intended them to be, the work of the people; and there is a truthful earnestness in some of them more effective than the skill of a rhetorician could portray. Sometimes they were grave, sometimes satirical; sometimes ballad or song, again it was in narrative. The poet *laureate* in those days was Rednap Howell, a native of New Jersey, and a brother of Richard Howell, who was a patriot of the Revolution and Governor of New Jersey, and like his brother Rednap was a poet and wrote the ode "Welcome to Washington." (Lossing, *Field Book of Revolution*, Vol. 2, p. 245.) Rednap Howell taught the very chil-

dren to sing in doggerel the infamy of the proud officials, singling out Edmund Fanning, clerk of the court for Orange County, and John Frohock, clerk of the court for Rowan county:

"Says Frohock to Fanning, 'To tell the plain truth,  
When I came to this country I was but a youth.  
My father sent me, I wa'n't worth a cross,  
And then my first duty was to steal a horse.  
I quickly got credit and then ran away,  
And haven't paid for him to this day.'

"Says Fanning to Frohock, "'Tis folly to lie,  
I rode an old mare that was blind in one eye.  
Five shillings in money I had in my purse,  
My coat it was patched, but not much the worse.  
But now we've got rich, as 'tis very well known  
That we will do very well if they'll let us alone.'"

Still other lines were in existence, even prior to this, no doubt from the same pen:

"When Fanning first to Orange came  
He looked both pale and wan.  
An old patched coat upon his back,  
An old blind mare he rode on.  
Both man and mare wa'n't worth five pounds  
As I've been often told,  
But by his thieving robberies  
He's lined his coat with gold."

(See Colonial Records of North Carolina, Vol. 7, p. 507, for Fanning's order "for some double gold lace for a hat and some narrow double gold lace for a jacket, plain, narrow and good.")

It was currently reported and believed, in spite of his impecunious condition when he came to the Province, Fanning in a very short time had accumulated a fortune of £10,000—\$50,000—certainly a large sum to have been made *honestly* in his day and generation by a man occupying his office among a poor people.

Tryon appointed Fanning adjutant-general with rank of colonel in the campaign to run the boundary line with the Cherokee Indians. For this service it was currently reported that he received £1,000. (Col. Rec. of N. C., Vol. 7, Pref. Notes, p. 13.)

Frohock too died a rich man. Under these circumstances it is not surprising that the Regulators dragged Fanning from Hillsborough Court House by his heels and beat him with many stripes, and at another time fired bullets into his dwelling, and still later demolished it.

Early in 1770, while Lord Chatham and Lord North were "thundering in Parliament," denouncing the attitude of the Mother Country toward the colonists, comparing England as an "unjust and cruel mother toward her helpless step-children," the letters of "Junius" were attracting general attention; all sorts of political contentions were being hurled against King George's government.

Toward the Province of North Carolina the course of the Mother Country was like that of the "Father of the faithful," driving her, Hagar-like, into the wilderness, there to pine and perish from neglect. It is nothing more than one would expect, then, that her sons, "like Ishmael of old," should be ready to raise their hands against every form of oppression. But the God of Abraham protected the exiles and blessed them with fair and fruitful lands, refreshing shades and gushing fountains. The promise was also unto them "to make a great nation," because they too "were of the promised seed."

At this time, far away across the Atlantic the farmers of Orange County, in the Province of North Carolina, were organizing preparatory to making resistance against the oppression of the government of the Mother Country and her representatives in the Province, Governor Tryon and Col. Edmund Fanning.

In those days a thousand or more men banded together for a noble purpose against a common wrong were not without influence. Be it said to their credit, the Regulators in their meetings were orderly, never allowing intoxicating beverages to be sold, for they realized the criticism that would follow such practices. In this they were far advanced as



well as far seeing, and a long way ahead of their time. It shows their soberness and careful deliberation.

The Regulators were made up principally of farmers, of whom, as a class, none are more conservative, more independent—and less restrained; under the tyrannical lash what they among themselves determine to vindicate is usually on the side of right and justice. When the law fell into the hands of a succession of outrageous judges, unscrupulous attorneys, dishonest sheriffs, and thieving, villainous county officers,—all confederates of the tyrannical Tryon, Governor of the Province of North Carolina,—then it became necessary for these bold, courageous, good, substantial, liberty-loving yeomen to lay their hands on the instruments of warfare and to stand ready to prick the old sore, and if need be to perform a surgical operation for the good of the body-politic.



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## CHAPTER IV

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Tryon's Preparations for War and Orders to General Waddell; the Cabarrus "Black Boys" Capture a Convoy; General Waddell Receives This Information and Sends Dispatches to Tryon; Breaks Camp and Marches Eastward; Met by a Company of Regulators and forced to Retreat; Tryon Receives Waddell's Dispatches; Marches Toward Haw River; Regulators Send Petition to Tryon, Praying for an Audience; Transcript from Tryon's Journal; Regulators' Needs; Alamance Battle-ground; Seymour Whiting's Poem; Battle of Alamance; Tryon's Advance; Fought on Plantation of Capt. Michael Holt; Strength of Governor's Army; Harmon Husband Flees; Dr. Caldwell and Others Visit Tryon's Camp in Behalf of the Regulators; They Present Second Petition; Tryon's Proclamation; the Battle Begins; the Governor Kills Mr. Robt. Thompson; Tryon's White Flag; Tryon's Army Retreats; Second White Flag; Tryon Rallies His Men and Leads a Charge; His Army Victorious; Prisoners Taken; Tryon Orders Battle-field Set on Fire; Losses and Captures; Execution of Few, Messenger, and Pugh, Other Prisoners in Chains.

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Governor Tryon, the "Great Wolf of North Carolina," had collected from the eastern counties 1,100 men drilled in military tactics and ready for war (Col. Rec. of N. C., Vol. 9, p. 610), though not as yet having had an opportunity

to win their spurs or pluck military honors. Fanning's frequent couriers from Hillsborough had kept the Governor well posted concerning the Regulators, their meetings, their growth, strength, and moral influence upon the community.

On May 1, 1771, the Governor left Newberne with his army, marching toward the westward, with all his detachments well officered, including a detachment of artillery raised at Wilmington and composed of sailors, consisting of two field pieces, six swivel guns, mounted on carriages, and two six-pounders. (State Rec. of N. C., Vol. 19, pp. 837, 838, 839.)

Governor Tryon, while marching through the country from Newberne toward the west, had new forces to join him daily, perhaps from diplomacy, or from the fascinations of military paraphernalia. He was familiar with the territory through which he was traveling, having a short time before traversed the route with a surveying party to run the line with the Cherokee Indians, on that occasion being attended with a company of militia in all the pomp of war. It is said that he took great pride in exhibiting his royal person to the Indians, whereupon they applied the cognomen, appropriately so, "The Great Wolf of North Caro-

lina." This prophetic title and the line of marked trees cost the Province a greater sum than two-pence per head on all persons subjected to poll tax within the Province.

On May 4 Tryon halted at Hunter's Lodge, in Wake County, the seat of Col. Theophilis Hunter, four miles from where the city of Raleigh now stands, and went into camp. Remaining there until May 8, he ordered a detachment to attend the sheriff in levying the fines due from men for attending a muster of militia the day before without arms, and in collecting taxes due in the neighborhood except from those who had joined the army as volunteers.

When Tryon left Newberne he was attended by Col. Joseph Leech, commanding the infantry; Colonel Moore, commanding the artillery, and Captain Neele, commanding a company of rangers. Marching from Hunter's Lodge on May 8, Tryon next went into camp on the banks of the Eno on the evening of May 9. During this march he was joined by a detachment from New Hanover under command of Col. John Ashe, another from Carteret under command of Colonel Craig, another from Johnston under command of Col. William Thompson, another from Beaufort under command of Col. Needham Bryan, one from Wake

under Col. John Hinton, who had to forcibly draft the men in his command, as there was considerable difficulty in securing volunteer troops. (State Rec. of N. C., Vol. 19, pp. 838, 839.) After breaking camp at Eno on May 13, during his march toward the Great Alamance, Governor Tryon was joined by a detachment from Onslow under command of Col. Richard Caswell and one from Orange made up of clerks, constables, coroners, broken down sheriffs and other material of a similar kind under the command of his friend, Col. Edmund Fanning.

Before leaving Newberne he ordered General Waddell, the best fighter within the Province (Col. Rec. of N. C., Vol. 8, pp. 540, 548), with a detachment of 250 men to cross Deep River at Buffalo Ford and thence to march toward the Yadkin, collect forces from the western counties and rendezvous four miles west of Salisbury, at Pott's Creek, after crossing the Yadkin river; there to await a convoy from Charleston, S. C., with a supply of powder for Tryon's army.

Some time after the conference of the Regulators and county officers at Mrs. Steele's, near Salisbury, on March 7, 1771, there was a "surprise party" in Cabarrus County (at that date Mecklenburg County) on the night of May 9,

1771, at which time the munitions of war for Tryon's army were captured and destroyed. This occurrence demonstrates that there were within the province of North Carolina many discreet persons, the advocates of law and order, who sympathized with the cause of the Regulators and the justness which actuated their stern opposition to official corruption and extortion.

Governor Tryon, being well posted concerning the Regulators, lost no time in making preparations for warfare. He issued a circular to his colonels in the various counties (Col. Rec. of N. C., Vol. 8, p. 540) ; (Appendix D) on March 19, 1771, ordering them to select fifty volunteers for their respective regiments, offering them liberal rations, bounty and pay of forty shillings of eight pence per day while serving, each man to be given a pair of leggins, a cockade and a haversack, and send them to Newberne. He also began to look out for munitions of war, and accordingly he procured from Charleston, S. C., three wagon loads of munitions of war, consisting of powder, flints, blankets and other materials for the quartermaster's department. These warlike materials were delivered in Charlotte, but from some suspicions arising in the minds of the Whigs (Regulators) as to their true destination and use, wagons could not be

hired in the neighborhood for their transportation. (For an account of this Gunpowder plot we quote from Hunter's *Sketches of Western North Carolina, Historical and Biographical*, pp. 158 to 162.) At length, Col. Moses Alexander, a magistrate under the Colonial Government, succeeded in getting wagons, by impressment, to convey the munitions to Hillsborough, to obey the behests of a tyrannical Governor. The vigilance of the jealous Whigs was ever on the lookout for the suppression of all such infringements upon the growing spirit of freedom, then quietly but surely planting itself in the hearts of the people.

The following individuals (Col. Rec. of N. C., Vol. 9, pp. 57, 68, 89, 169, 172, 275), James, William and John White, brothers, and William White, a cousin—all born and raised on Rocky River and one mile from the Rocky River Church—Robert Caruthers, Robert Davis, Benjamin Cockrane, James A. and Joshua Hadley, bound themselves by a most solemn oath not to divulge the secret object of their contemplated mission, and in order more effectually to prevent detection, *blackened their faces* preparatory to their intended work of destruction. They were joined and led in this and other expeditions by William Alexander, of Sugar Creek congregation, a brave soldier, and after-

wards known and distinguished from others bearing the same name as "Captain Black Bill Alexander," and whose sword now hangs in the Library Hall of Davidson College, North Carolina, presented in behalf of his descendants by the late worthy, intelligent, and Christian citizen, W. Shakespeare Harris, Esq.

These determined spirits set out in the evening, while the father of the Whites was absent from home with two horses, each carrying a bag of grain. The White boys were on foot, and wishing to move more rapidly with their comrades, who were all mounted, in pursuit of the wagons loaded with the munitions of war, fortunately for their feet met their father returning home with his burdens, and immediately demanded the use of his horses. The old gentleman, not knowing who they were (as black as Satan himself), pleaded heartily for the horses until he could carry home his bags of meal; but his petitions were in vain. The boys (his sons) ordered him to dismount, removed the bags from the horses, and placed them by the side of the road. They then immediately mounted the disburdened horses, joined their comrades, and in a short space of time came up with the wagons encamped on Phifer's Hill, three miles west of the present town of Concord, on the road lead-



ing from Charlotte to Salisbury. They immediately unloaded the wagons, then stove in the heads of the kegs and threw the powder into a pile, tore the blankets into strips, made a train of powder a considerable distance from the pile, and then Major James White fired a pistol into the train, which produced a tremendous explosion. A stave from the pile struck White on the forehead and cut him severely. As soon as this bold exploit became known to Col. Moses Alexander, he put his whole ingenuity to work to find out the perpetrators of so foul a deed against His Majesty. The transaction remained a mystery for some time. Great threats were made, and in order to induce some one to turn traitor a pardon was offered to any one who would turn King's evidence against the rest. Ashmore and Hadley, being half-brothers, and composed of the same rotten materials, set out, unknown to each other, to avail themselves of the offered pardon, and accidentally met each other on the threshold of Moses Alexander's house. When they made known their business, Alexander remarked, "That, by virtue of the Governor's proclamation, they were pardoned, but they were the first that ought to be hanged." The rest of the "Black Boys" had to flee from their

country, and went to the State of Georgia, where they remained for some time.

The Governor, finding he could not get them into his grasp, held out insinuations that if they would return and confess their fault, they should be pardoned. In a short time, the boys returned from Georgia to their homes. As soon as it became known to Moses Alexander, he raised a guard, consisting of himself, his two brothers, John and Jake, and a few others, and surrounded the house of the old man White, the father of the boys. Caruthers, the son-in-law of White, happened to be at his (White's) house at the time. To make the capture doubly sure, Alexander placed a guard at each door. One of the guard, wishing to favor the escape of Caruthers, struck up a quarrel with Moses Alexander at one door, while his brother, Daniel Alexander, whispered to Mrs. White that if there were any of them within they might pass out and he would not notice it; in the meantime, out goes Caruthers, and in a few jumps was in the river, which opportunely flowed near the besieged mansion. The alarm was immediately given, but pursuit was fruitless.

At another time the loyalists heard of some of the boys being in a harvest field and set out to take them; but always having some one in

their company to favor their escape, as they rode up in sight of the reapers one of them waved his hand, which the boys understood as a signal to make their departure. On that occasion they pursued Robert Davis so closely that it is said he jumped his horse thirty feet down a bank into the river, and dared them to follow him.

And thus the "Black Boys" fled from covert to covert to save their necks from the blood-thirsty loyalists, who were constantly hunting them like wild beasts. They would lie concealed for weeks at a time, and the neighbors would carry them food, until they fairly wearied out their pursuers. The oath by which they bound themselves was a declaration of the strongest kind, and the greater part of the curse was literally fulfilled in the sad ends of Hadley and Ashmore. The latter fled from his country, and was known for many years to the people of Rocky River. He was very intemperate, and in his fits of intoxication was very harsh to his family, driving them from his house in the dead hours of the night. In order to chastise him for the abuse of his family, his neighbors (among whom were some of the "Black Boys") dressed themselves in female attire, went to his house by night, pulled him from his bed, drew his shirt over his head and gave him

a severe whipping. The castigation, it is said, greatly improved the future treatment of his family. However, he continued through life the same miserable wretch, and died without any friendly hand to sustain him or eye to pity his deplorable end.

Frequently, when the loyalists ranged the country in pursuit of the "Black Boys," the Whigs would collect in bodies consisting of twenty-five or thirty men, ready to pounce upon the pursuers if they had captured any of the boys. From the allurements held out to the boys to give themselves up, they went at one time nearly to Hillsborough to beg the pardon of Governor Tryon; but finding out it was his intention, if he could get them into his hands, to hang every one of them, they returned, and kept themselves concealed until patriotic sentiment grew so rapidly from that time (1771) to the Mecklenburg Declaration (20th of May, 1775) that concealment was no longer necessary. When the drama of the Revolution opened, these same "Black Boys" stood up manfully for the cause of American freedom, and nobly assisted in achieving, on many a hard-fought battle-field, the independence of our country.

While Gen. Hugh Waddell was awaiting the convoy from Charleston, South Carolina, with the blankets, powder, and flints for Tryon's

army, he received intelligence from Col. Moses Alexander that the munitions of war had been destroyed by the Regulators. He then determined to try to rejoin Tryon's army, and dispatched couriers to Hillsborough advising Tryon of the capture of the wagon-train with his munitions of war by the Regulators. General Waddell broke camp at Potts' Creek on the morning of May 10, and took up his line of march in the direction of Hillsborough, intending to rejoin Tryon's army at Haw River. He had advanced but a short distance after crossing the Yadkin River when he received a message from the Regulators warning him to halt or retreat. Finding that many of his men were averse to fighting their own countrymen, and, many being favorable to the Regulators were thinning his ranks by desertion, he retreated toward Salisbury, hotly pursued by the Regulators, who opposed his progress by entangling him in a skirmish, and surrounding his small detachment, took most of his men prisoners. General Waddell and officers, with a few men, were allowed to escape. It may seem singular, in capturing General Waddell's brigade, taking most of his men prisoners, and disarming them, that no lives were lost. The reason is perhaps best explained by the fact that the Regulators did not wish to sacrifice the lives of their coun-



trymen, nor did General Waddell's men wish to kill the Regulators, with whom they were at heart sympathizers. Capt. Benjamin Merrill, who was an officer of militia in Rowan County, had raised a company of oppressed neighbors to join the Regulators, and he was in command of the forces opposing the advance of General Waddell. He was afterwards captured by a force under Colonel Fanning (and later executed at Hillsborough, with the other prisoners) while Governor Tryon was marching with his army through the "Jersey Settlements," administering his new-coined oath and devastating property and crops. General Waddell, with the small number of his detachment which escaped capture, retreated to Salisbury and went into camp, where he held a consultation with his officers.

GENERAL WADDELL'S CAMP,

Potts' Creek, 10th May, 1771.

By a Council of the Western Detachment.

Considering the great superiority of the insurgents in numbers, and the resolution of a greater part of our own men not to fight, it was resolved that they should retreat across the Yadkin.

William Lindsay,  
Ad. Alexander,  
Thomas Neel,  
Fr. Ross,  
Robert Schaw,

Griffith Rutherford,  
Samuel Spencer,  
Robert Harris,  
Samuel Sneed,  
William Luckie.

May 11th, 1771, Captain Alexander made oath before Griffith Rutherford, that he had passed along the lines of the Regulators in arms, drawn up on ground he was acquainted with. The foot appeared to him to extend a quarter of a mile seven or eight deep, and the horse to extend one hundred and twenty yards, twelve or fourteen deep. (Foote, Sketches of North Carolina, p. 59; Col. Rec. of N. C., Vol. 8, p. 608.)

General Waddell immediately dispatched an express to Governor Tryon at Hillsborough, warning him of the common danger, and advising him of the capture of the ammunition train by the Regulators the day before. Tryon, already alarmed at the reports coming in that the Regulators were concentrating their forces at Alamance, on the route to Salisbury immediately raised his camp and began marching toward Haw River. On Sunday, May 12, he crossed this stream just below the Falls at Wood's Ferry. Next day he marched four miles to O'Neal's, on the west side of the Little Alamance. A strong detachment was also sent to take possession of the west bank of the Great Alamance to prevent the Regulators occupying this strong post, and went into camp on the evening of May 13, 1771, just six miles from the Regulators' camp on the other side of the Great Alamance. On May 14 Tryon's whole army was encamped on the west bank of the Great Alamance (see frontispiece) there to



await the arrival of General Waddell's detachment. With the capture of General Waddell's forces and the destruction of his ammunition train by the Regulators, together with the daily desertion from his own ranks by men who did not wish to kill their countrymen in battle, the Governor found himself in a very serious and trying position. Before leaving Camp Eno he had dispatched an express to Colonels Fanning and Caswell at Hillsborough to join him in camp beyond Haw River on May 14. The militia in Duplin County, except perhaps a small troop of cavalry commanded by Captain Bullock, refused to march against the Regulators at all, and refused the oath of allegiance offered them after the battle of Alamance. In Halifax there were many supporters of the principles of the Regulators; in Newberne itself many, in fact the majority of the militia, declared in their favor. Not a few men eminent in the colony favored them more or less openly. Of these were such men as Maurice Moore, Judge of the Superior Court; Thomas Person, of Granville County, founder of Person Hall at Chapel Hill, and Alexander Martin, afterwards Governor of the State (Foote, *Sketches of North Carolina*, p. 66), and many who came from other counties, were either so reluctant to shed the blood of their



fellow-citizens or so well affected to their cause that they deserted, while the Regulators were increasing every hour. In this situation nothing could save his Excellency but a bold and expeditious stroke; for to hesitate longer waiting to be reinforced by General Waddell with the detachments from Bladen, Cumberland, and the western counties would mean certain defeat. While encamped at Alamance, one-third of his army were ordered to remain under arms the whole night and to be relieved every two hours; and the same orders were issued the night of May 15, but with the additional precaution that the cavalry were to keep their mounts saddled and a guard of ten men as videttes a half mile in front toward the enemy's camp, to be relieved every two hours. (Tryon's Order Book, Col. Rec. of N. C., Vol. 8, p. 583.)

The Regulators were concentrating their forces some six miles distant from Tryon's camp on the plantation of Captain Michael Holt, a wealthy land owner of that section, on whose plantation the Battle of Alamance was fought and whose residence after the battle was converted into a hospital for the wounded. They had sent petitions to Tryon two years previous, and to the General Assembly, imploring relief from oppression and extortions,

and again they were ready to petition, which they did through their diplomat, Rev. David Caldwell, M. D., a true patriot, who called on Tryon at Alamance Camp Tuesday morning and evening, May 15, 1771, and on the afternoon of the date last mentioned he carried a petition from the Regulators, again imploring and beseeching an audience with Tryon, signed by several of the Regulators. The following is a copy of the petition presented by the inhabitants of Orange County in North Carolina just before the battle began; it appears to be written in good language and shows that the acme of their desires and their whole ambition was that the Governor would condescend to hear their former petitions and redress their grievances which you (reader) have already perused:

Regulators' Headquarters, Alamance Camp,  
Wednesday, May 15th, 1771.

To His Excellency WILLIAM TRYON, Esq.,  
His Majesty's Governor-in-Chief  
In and over the Province of North Carolina.

SIR: The petition of us, the citizens of Orange County humbly sheweth:—

First, That we have been infomed of late that Your Excellency is determined not to lend a kind ear to the just complaints of the people in regard to having roguish county officers discharged and others more honest propagated in their stead, and sheriffs and other officers in power who have abused the trust reposed in them, to

be brought to a clear, candid and impartial trial for their past conduct and other grievances of like manner which we have long labored under without any apparent hope of redress.

Secondly, That Your Excellency is determined on taking the lives of many of the inhabitants of this county and others adjacent thereto, which persons being nominated in your advertisement, we know to be men of the most remarkable, honest, and upright character. These asperations, though daily to us, yet scarcely gain credit with the more polite among us, still, being so often confirmed, we cannot help having some small jealousy abounding in us. In order therefore to remove them, we heartily implore Your Excellency, that, through your clemency, you would so far indulge us as to let us know by a kind answer to this petition whether Your Excellency will lend an impartial ear to our petition or no, which, if we can be assured of, we will with joy embrace so favorable an opportunity of laying before Your Excellency a full detail of all our grievances, and remain in full hopes and confidence of being redressed by Your Excellency in each and every one of them, so far as lies in your power, which happy change would yield such alacrity and promulgate such harmony in *poor pensive North Carolina* that the presaged tragedy of the war-like troops, marching with such ardor to meet each other, may by the happy conduct of our leaders on each side be prevented. The interest of a whole Province and the lives of His Majesty's subjects are not toys or matters to be trifled with. Many of the common people are mightily infatuated with the horrid alarms we have heard: but we still hope they have been wrongfully represented to us. The chief support of this small petition, being to ascertain whether or no we may hope for a speedy and candid answer. In the meantime your humble petitioners shall remain in full hopes and confidence

of having a kind and satisfactory answer, "and is our duty we shall ever pray."

Signed in behalf of the county,

John Williams,  
Samuel Low,  
Joseph Scott,  
Samuel Clark.

Delivered to His Excellency at Alamance Camp, Wednesday, the 15th day of May, in the year of our Lord, 1771, at six o'clock in the evening. (Col. Rec. of N. C., Vol. 8, p. 640.)

The Governor's reply to this petition (see p. 215) does not vouchsafe even at so critical a time, when the effusion of blood might have been prevented, and the honor of the government saved by it, to give them the least encouragement that he would heed their petitions or redress their grievances; but to the contrary, he fired upon them with his own hand, killing Mr. Robert Thompson, an unarmed gentleman, who was at his camp interceding for the Regulators.

In order to show the reader how well prepared for war Governor Tryon was, we will quote a transcript from his journal for the campaign against the Regulators:

*Tryon's Order Book for the Campaign Against the  
Regulators.\**

Alamance Camp,

Wednesday, 15th day of May, 1771.

Parole—New York.

Countersign—Albany.

Field Officer for the Day:

Col. Joseph Leech.

The pickets and grass guard to-night: the baggage and rear guard to-morrow to be furnished by a detachment from Col. Joseph Leech's command.

Governor's Guard

to be furnished from Col. Richard Caswell's command, as well as the Quartermaster's guard. Captain Malcolm appointed aid-de-camp to

His Excellency, the

Governor,

with rank and pay of captain.

His Excellency, the Governor, Commanding General.

Agreeable to seniority of the counties sending men against the insurgents, are to march in the following order, to-morrow morning at daybreak without the beat of drums:

Craven County Detachment under command of

Col. Joseph Leech; position,

Left of first line.

Carteret County Detachment under command of

Col. William Thomson; position,

Right of first line.

Orange and Beaufort County Detachment under command of

Col. Craig, commanding artillery of four swivels and two six-pounders; position,

In center of first line.

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\*(Col. Rec. of N. C., Vol. 8, p. 559; State Records of N. C., Vol. XIX, pp. 840-854.)

New Hanover County Detachment under command of  
 Col. John Ashe; position,  
 Left of second line.

Wake and Onslow County Detachments under command of  
 Col. John Hinton; position,  
 Left of second line.

Dobbs and Johnson County Detachments under command of  
 Col. Richard Caswell; position,  
 Center of second line.

The Company of Artillery under command of Captain  
 Moore.

The Company of Rangers under command of Captain  
 Neale.

The Cavalry Detachment under command of Captain  
 Bullock,  
 Lieutenant Col. Richard Cogdell,  
 Major Francis McKelwane  
 To accompany the Commanding General.

\* \* \* \* \*

The Light Horse Brigade to keep their mounts bridled and saddled all night, ten of them to form a grand-guard about one-half mile towards the Regulators' camp on the Salisbury road, and a little off the main road, and to have their vidette out, one in the center and one on right and left flanks, the vidette to be visited and relieved every two hours all night.

After Orders.

The Army to march to-morrow morning at the break of day without the sound of drums. The tents to be left standing, and baggage and commissary wagons to remain in Camp. One Company of the Johnson County detachment and all men from the several detachments unable to march briskly to remain as a camp guard under

command of Col. Needham Bryan. The wagon horses to remain in gear until the army returns to camp.

Doctor Haslin has under his care and inspection the detachments from Craven, Carteret, Pitt, Dobbs, Beaufort, and Orange Counties. Doctor Mathewson is appointed assistant surgeon to Doctor Haslin.

Doctor Cobham has under his care and inspection the detachments from New Hanover, Onslow, Johnson, Wake, and Orange Counties and the Artillery, Rangers, and Cavalry. Doctors Powers is appointed assistant surgeon to Doctor Cobham.

The reader will observe that Governor Tryon had a well-officered army with which to attack the Regulators, who were not organized for warfare and had no military organization, no officers, cavalry, nor artillery. In fact, they met for the purpose of having a reconciliation with the Governor, and to that end they sent messengers with petitions, seeking redress from the burdensome oppression which was about to overwhelm them.

By a few historians the War of the Regulators has been unjustly termed a resistance to law and order and not a fight against oppression; it has also been maliciously claimed that the Regulators were a band of outlaws, illiterate common people, and that the better class of the colonists had nothing to do with them and did not countenance their organization or the purpose for which they existed; all of which

is utterly false and without the slightest foundation of truth. Realizing that the justness of the cause of the Regulators has been maligned by Tryon and his coadjutors, to which very great publicity has been and continues to be given, we have endeavored to prove that the patriots who shed their blood in battle against British oppression were justified. We have also attempted to establish, by his own writings, the criminality of Tryon's assault upon the Regulators.

Thus far historians agree; but the rest of the story is told differently by various writers, most of whom depend upon Governor Tryon's journal and his adherents for their information. But from many whose lot it was to know and to talk with men of integrity who took part in this battle, and who could be relied upon to speak truthfully of matters concerning both sides, and from such authorities as Lossing, Hawkes, Foote, Caruthers and Bancroft, the writer will chronicle the story according to his belief of the truth deducted from historical facts and from reports handed down from father to son, much of the latter yet unpublished. Being familiar with the territory, having many times surveyed the ground made sacred by the blood of heroes, and having been born and reared in this county, my maternal great-great-grandfather, Gen.



Jacob Byrd, having participated in this engagement with the Americans (Regulators), and being familiar with the story and incidents leading up to this battle and of exploits following it, I feel that I am in a position to write intelligently on this subject.

This view is from the south side of the Salisbury Road, which is marked by the fence on the left. The belligerents confronted in the open field seen to the north of the road beyond the fence. Between the blasted pine tree, to which a muscadine is clinging, and the road, on the edge of a small morass, several of those who were slain in battle were buried. The mounds of the graves are by the fence near where the sheep are seen in the picture. The tree by the roadside is a venerable oak on which are many scars produced by stray bullets on the day of the battle. (Lossing, Field Book of the Revolution.)

"No stately column marks the hallowed place  
Where in silence sleeps their sacred dust,  
The first free martyrs of a glorious race—  
Their fame a people's wealth, a nation's trust.

"Above their tomb the golden harvest waves,  
The glorious stars stand sentinel on high,  
While in sad requiem near their turfless graves  
The great Alamance slowly moaning murmurs by.

"But holier watchers here their vigil keep  
Than storied urn or monumental stone;  
For love and justice guard their dreamless sleep  
And plenty smiles above their bloody home.



**Regulator Battle-Ground.**

**Facing page 208.**



"Immortal youth shall crown their deathless fame,  
And as their country's glories still advance,  
Shall brighter glow, o'er all the earth thy name,  
Our first-fought field for FREEDOM—ALAMANCE."

This poem was written by Seymour Whiting many years before the erection of the monument.

The Regulators were men accustomed to the use of the rifle and were men of undaunted courage, having no such word as fear in their vocabulary—brave as lions. Other than these two qualifications, undaunted bravery and crack sharpshooters, they had none of the qualifications of soldiers. They knew nothing of military tactics, had no commander-in-chief, were not officered in divisions for battle. They had no artillery and many of them had never seen a cannon. Tryon realized his situation was critical. He was in the heart of the enemy's territory. Their forces were gathering like bees in the forest. Many friendly Tories in Orange and adjoining counties were refusing to fight the Regulators (Whigs) and many of his own troops were deserting camp.

The Regulators numbered more than two thousand men and were encamped about six miles from Tryon's army, near the scene of the battle-ground.

On Thursday morning, May 16, 1771, Tryon's army, as per orders issued the day before,

was marching at daybreak without the beat of drums, and left "Alamance Camp" just on the present site of the Belmont Cotton Mills, now owned by Mr. L. Banks Holt, of Graham, N. C. They marched in silence, hoping to creep up on the Regulators unawares; leaving their tents standing with all baggage and wagon-trains under guard. Tryon's army marched silently and undiscovered along the Salisbury Road to within one-half mile of the Regulators' camp, where he formed his line of battle, which was done by arranging them in two lines one hundred yards apart, with the artillery in the center of the front line. (Col. Rec. of N. C., Vol. 8, p. 583; 584.)

According to the Governor's journal, "Campaign Against the Regulators," he commanded about twelve hundred (1200) trained soldiers, drilled in military tactics and ready for war; while the Regulators were about two thousand strong, with only one thousand (1000) of their number bearing arms. Many were present not expecting to need arms, others did not take their rifles for fear the Governor would not treat with them if they bore arms, while others went out to see what was going on. "The majority certainly did not expect that there would be any bloodshed; and therefore many who started from home with their guns left



them by the way, either hidden in hollow trees or deposited with their friends, until they returned, because some wiseacres had said, 'if you go armed the Governor will not treat with you.' It is doubtful whether even Harmon Husband really wished to fight; in fact, I have been told by ~~some~~ men who knew him well in their youth, and who were at that time 18 or 20 years of age, that his Quaker principles would not let him fight, and that when he saw the 'tug of war' would come, or about the time the Governor began to fire on them, that he mounted his horse and rode away." (Caruthers's Life of Dr. Caldwell.) "It is believed by many that his aim was to carry his point by making such a display of numbers and by manifesting such a determined spirit that the Governor would be obliged to yield; and that if he had succeeded in collecting the people in such numbers, and in having them so well armed as to make the impression which he wished, he would have given this explanation of his own motives and conduct. However this may have been, it is certain he went to the place of meeting, not with any idle curiosity, nor with a blood-thirsty intent, but for a desire to see if a reconciliation with the Governor could be effected. Others were actuated by these high motives and were using what influence they

could toward effecting a reconciliation; and of this class Dr. David Caldwell and Alexander Martin, afterwards Governor of the State, accompanied by the sheriff, went down to Tryon's camp the day before the battle. It is said they had an interview with Tryon at his tent, but of what passed nothing is known. Next morning it is known that he passed back and forth several times from one camp to the other endeavoring to prevent a collision between the two armies, and obtained from Tryon *his promise* that he would not proceed against the Regulators nor cause bloodshed until he had exhausted every means for a fair adjustment by negotiations. This is not a matter of record, but I have it from a source that cannot be doubted." (Caruthers's Life of Dr. Caldwell, pp. 148, 149; Foote, Sketches of North Carolina, p. 60.)

Early in the evening before the battle, Lieut. Col. John Baptista Ashe and Capt. John Walker, while out reconnoitering, were captured by the Regulators, tugged up to trees and severely whipped, then made prisoners. The whipping, it is said, was an old feud—the result of personal animosity on the part of a few persons, which was strongly censured by the body of Regulators, and some of them were so much disgusted that they threatened to give up the

cause entirely if such acts were repeated; but this act caused much alarm and anxiety in the Governor's camp, and especially in the breast of Colonel Fanning, for "his soul had things still in remembrance, and therefore his spirit was overwhelmed within him." (Caruthers's *Life of Dr. Caldwell*, p. 147.) Capt. S. A. Ashe is credited with saying "his ancestor hated the Regulators very much when they began to chastise him, but when he realized that he was in their power and that they were doing a good job of it, he began to have a kinder feeling for them, and at length fell in love with them." (Stockard, *History of Alamance*.) Tryon's army had taken several Regulators prisoners, who they tried to exchange for Ashe and Walker, but without success.

Governor Tryon, as commanding general, mounted on a handsome white charger, had his army arranged in military style, as per instructions issued the day before, with his Excellency and the artillery in the center of the front column, with Col. Richard Caswell and Col. Edmund Fanning commanding the right and left wings of the first column, and Colonel Thompson and Colonel Leech commanding the right and left wings of the second column. The detachment from Wake and a troop of light-horse from Duplin reenforced the rear guard;



the rangers covered the flanks on both sides, facing the right; the troop of light-horse from Orange escorted the Governor. The detachments from the counties of Carteret and Onslow were directed, in case of attack on the left wing, to form an angle for their respective lines to cover the left flank. (Martin's History of North Carolina, Vol. 22, p. 179.)

When the opposing forces began marching toward each other, the Regulators again presented a petition, yet hoping for redress of grievances through arbitration. The Governor sent his aide-de-camp, Captain Donald Malcolm, with the answer that both officially and personally the Governor had already used every possible means to quit the disturbances, and now had nothing further to offer; that he demanded immediate submission, with promises to pay their taxes, lay down their arms, and quietly disperse. He advised that an hour would be given in which to answer. The Governor's message came back with the dignified reply that the messenger might go back and tell "Billy Tryon" that they defied him and that they would fight him. (Caruthers's Life of Caldwell, p. 150.)

It must have been humiliating to trained warriors to fight against men without discipline, or leaders, with no regularity of action.



Armorial Seal and Signature of Gov. William Tryon.



One in a state of revenge, the other with a sense of injury and oppression, they met—the Regulators presenting petitions with demands for vindication and rights with redress for grievances; the Governor, on the other hand, demanding immediate submission with a promise to pay their taxes, a peaceful return to their homes, and a solemn assurance that they would no longer protect persons under indictment for trial by courts.

Tryon issued the following Proclamation and sent it by his aide-de-camp, Capt. Philmore Hawkins, to the Regulators as a reply to their petition of the day before (Col. Rec. of N. C., Vol. 8, p. 642) :

Alamance Camp,

Thursday, May 16th, 1771.

To Those Who Style Themselves "Regulators":

In reply to your petition of yesterday, I am to acquaint you that I have ever been attentive to the interests of your County and to every individual residing therein. I lament the fatal necessity to which you have now reduced me by withdrawing yourselves from the mercy of the crown and from the laws of your country. To require you who are now assembled as Regulators, to quietly lay down your arms, to surrender up your leaders, to the laws of your country and rest on the leniency of the Government. By accepting these terms within one hour from the delivery of this dispatch, you will prevent an effusion of blood, as you are at this time in a state of REBELLION against your King, your country, and your laws.

(Signed) William Tryon.

[Seal in Coat of Arms.]

If Governor Tryon had been as fond of checking the officers of the government from their unreasonable oppressions and extortion to the poor, as he was of shooting these unhappy people, inhabitants of Granville, Orange, Anson, Rowan and other western counties of North Carolina would not have felt the horrors of her sons murdering each other in battle. He pretended in his proclamation just read to offer the Regulators one hour to consider whether they would fight or surrender, but as soon as their chief men got into consultation he himself fired the first shot.

The opposing forces had already begun marching toward each other, until they were within twenty five yards of being breast to breast. During the hour which Tryon gave the Regulators to determine whether they would accept the terms of his proclamation or not, a proposition was made for an exchange of prisoners, of whom he had seven, and the Regulators two, Lieut. Col. Ashe and Capt. John Walker. Jones says that "while the parley was going on for this purpose, the impatience of the armies was so great that the leaders made a simultaneous movement and led on to battle," but this is contradicted by Caruthers, who bases his judgment on personal reminiscences of men who took part in the bat-

tle. (Caruthers's Life of Dr. Caldwell, p. 150.) Foote, Caruthers, and Williamson say that even at this hour the Regulators were not expecting bloodshed, as many of the young men were wrestling and otherwise playing with each other.

Alexander Martin, who was present, and who with Dr. Caldwell had visited Tryon's camp in behalf of peace and reconciliation on behalf of the Regulators, says (in his history, Vol. 2, p. 281) that the opposing forces advanced in silence until they were almost breast to breast; the first rank of the Governor's men were almost mixed with the Regulators who were stationed a little in front of the main body, and who now were beginning to retreat slowly to join the main body, "bellowing defiance and daring their opponents to advance"; and that Tryon's army kept moving until it was within twenty-five yards of the Regulators' line, the Regulators still calling on the Governor to order his men to fire, several of them advancing toward the artillery with their breasts bared, and defying him to begin. He also represents the Governor as commencing the action before the hour had expired, because of the Regulators being tardy in making known their decision as to the exchange of

prisoners. Rev. Dr. Caldwell and Mr. Robert Thompson had just left Tryon, or at least Dr. Caldwell had, and Mr. Thompson was in the act of taking leave. Dr. Caldwell, being mounted, galloped away, and in a moment drew rein in front of the Regulators. He had been to intercede again, hoping to prevent bloodshed and trying to effect a reconciliation between the opposing forces; but finding Tryon obstinate, as he would promise nothing unless the Regulators would lay down their arms and submit to his demand, addressed them as follows:

**GENTLEMEN AND REGULATORS:**

Those of you who are not too far committed should desist and quietly return to your homes, those of you who have laid yourselves liable should submit without resistance. I and others promise to obtain for you the best possible terms. The Governor will grant you nothing. You are unprepared for war! You have no cannon! You have no military training! You have no commanding officers to lead you in battle. You have no ammunition. You will be defeated!

Just at this juncture, Patrick Muller, an old Scotch soldier, who had seen service in the King's army, called out to him, "Doctor Caldwell, get out of the way or Tryon's army will kill you in three minutes!"



**Battle of Alamo.**

**Facing page 218.**





This view is from the north side of the Salisbury Road, the river being to the north of the field. On the right are the cavalry, with General Tryon mounted on a white charger; on the left are the trees, rocks, fences, and hedges from behind which the Regulators poured their deadly shower of bullets. In the center of the field are a few of the Regulators who had fallen in battle.

It was now about midday. Mr. Robert Thompson, who was leaving to go back to the Regulators, for whom he had been interceding with Tryon for a reconciliation in their behalf, was detained by Tryon as a prisoner. Indignant at such perfidy, he thereupon told the Governor some very plain truths. He was an amiable, but bold, outspoken gentleman, deservedly beloved and respected for his unimpeachable character. (Revolutionary History of North Carolina, p 33.) Being unarmed, therefore his leaving was not an escape, but simply retiring in the conscious dignity of a gentleman. At this moment the irritable Governor snatched a gun from a militiaman and with his own hand shot and killed Thompson. Tryon perceived his folly the next moment, and sent a flag of truce toward the Regulators' side of the field. Donald Malcolm, one of the overnor's aides, was the bearer of this flag. (He was afterwards a very obnoxious under-officer of the customs at Boston.) He had proceeded but a short dis-

tance when the Regulators, enraged at the revengeful act of the blood-thirsty Tryon, immediately began firing with deadly aim. When the firing commenced, the bearer of the flag retreated with safety to his person, but had the misfortune to have the buttons of his small clothes leave their fastenings. Trumbal, in his "M'Fingal," with rather more wit than modesty, refers to the circumstance in four lines. Tryon, now all the more enraged at the disrespect to his white flag, mounted on his white charger, handsome and commanding in his person, rising in his stirrups led his army to battle, crying, "Fire! fire!" Yet his men hesitated, when he again cried out "Fire on them!" or "Fire on me!" "Fire and be damned!" cried a Regulator, and instantly the din of battle began.

The British subjects, in obedience to their commander, now began firing. The first volley struck the ground in front of the Regulators. McPherson, one of the Regulators, says (Caruthers's Life of Dr. Caldwell) he overheard one of Tryon's colonels say to the artillery, "I told you you aimed too low." The next volley went over their heads. At the beginning the Regulators seemed to be getting the best of the situation. Keeping up a continuous fire, they betook themselves behind

trees after the first volley from the artillery, and adopted the Indian method of warfare by getting behind trees, rocks, fences, or anything that offered the slightest protection; while Tryon's men, in regular military order, were firing by platoons. Tryon's men in the open field and in plain view made splendid targets for the Regulator sharpshooters. So rapid were their discharges that Tryon's troops had all they could do to return the fire, without attempting to rout them from their positions. The Governor's army had greatly the advantage as to arms, ammunition, and military discipline; but the Regulators compelled them to remain in the road, just where they wished them to be, while they occupied a more advantageous position, and nearly every man was ensconced behind a tree. Alexander Martin, who was present, and who with Dr. Caldwell had visited Tryon's camp, says, "The Regulators, pursuing the Indian mode of fighting, did considerable injury to the King's troops; but owing to the artillery, and firmness of the latter, were, after a conflict of more than an hour, struck with a panic and fled." Williamson, in his History of North Carolina, says, "The engagement commenced with the discharge of cannon. Colonel Fanning, who commanded the left wing, being unused to ac-

tion and deficient in courage, fell back with the whole of his regiment, except Captain Nash and his company"; and that "in the meantime the cannon did great execution."

Captain Montgomery, the officer of a company of mountain boys, presumably from Surry County, was the principal commander of the Regulators, if any one should be known by that title. He led the charge and routed the British forces under Tryon, who retreated, leaving two cannon on the field. "Two brothers, McPherson \* by name, rushed up and captured the guns, but having no ammunition suitable were unable to use them."

When the British artillery fired the next volley, Captain Montgomery was killed by a shell. About this time a Regulator's bullet whizzed through Gov. Tryon's hat. With his artillerymen still falling from the well-aimed Regu-

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\*"The elder McPherson, who gave me an account of the battle, last fall, after describing the retreat of Tryon's front columns and the capture of the artillery by the McPherson brothers, in which he agreed precisely with the statements above given, said with much animation, as a kind of sedative to his feelings, 'Oh, sir, if either John or Daniel Gillespie had only known as much about military discipline then as they knew a few years later, the bloody Tryon would have never slept again in his grand palace.' The statements of no one man, neither McPherson nor anybody else, are given in this work without some qualifying expression, unless they are sustained by the testimony of others." (Caruthers's Life of Dr. Caldwell.)

lators' bullets, the thought of another bullet passing so close to his royal personage perhaps caused myriads of visions to pass before him, for at this juncture he ordered the second white flag sent toward the Regulators' side of the field, presumably to stop the battle, as for what other purpose would a commanding general send out a white flag? The meaning of the flag no one knew so well as Patrick Muller, the old Scotchman, who called out, "It's a flag of truce; don't fire!" But they heeded him not, and the flag soon fell from the Governor's aide-de-camp, who was immediately shot dead. (Foote, *Sketches of North Carolina*, p. 61.) General Tryon, enraged at the disregard of his second white flag, now rallied his troops and led a charge that ended the battle. With redoubled volleys they fired on the Regulators, whose ammunition was giving out, as they had "only as many balls in their pouches as they were accustomed to carry with them on a day's hunting." (Foote, *Sketches of North Carolina*, p. 61.) "It had been the uniform testimony of the Regulators in this section that they did not fly from Tryon's cannon until their ammunition had failed; and this was probably the fact, for the most of them did not expect they would need more powder and balls than they were accustomed to take with them on a common hunt-

ing expedition. An old man, who was seventeen years old at the time of the battle, told the writer a little more than a year ago that he assisted George Parsons in moulding his balls the night before the battle, and that when they had moulded twelve bullets they stopped. He then observed somewhat jocosely to Parsons that if he shot all those bullets, and did execution with them at each shot, he would do his share. Parsons replied in the same spirit, that he would certainly use every one of them if there should be occasion for it. He afterwards told my informant that he had used every one of them, and he believed that he had done execution with every one, with one exception, when his gun choked in loading." (Caruthers's *Life of Dr. Caldwell*, pp. 156, 157.)

The Regulators, with their commander cold in death, and no officer to urge them anew to the fray, retreated to the woods. A small number, about a dozen or more men, were surrounded and captured by Tryon's forces and made prisoners of war. Later they were tried as traitors, condemned, and six of the number executed at Hillsborough, on a charge of high treason. Gideon Wright (of the then new county of Surry), who fought under Tryon at Alamance, in his report of the battle, as preserved in the *Moravian Records*, says, "Many

of the Regulators had taken refuge in the woods, whereupon the Governor ordered the woods set on fire, and in consequence some of the wounded, unable to get off the field, were roasted alive." Dr. Clewell, in his excellent work (*Clewell's History of Wachovia*, p. 110), says that the killed and wounded were in the woods, and that the Governor's order to fire the woods was aimed at the wounded, who were "roasted alive." Tryon, in his report (*Lossing, Field Book of the Revolution*, Vol. 2, p. 577), says, "The woods were swarming with riflemen who had taken to 'tree fighting' and were doing serious execution among the provincial (King's) militia, when it became necessary to drive out the Regulators so engaged." After the battle his coadjutors say he was at least humane, in that he did not torture the wounded Regulators, as he showed them every consideration, and had their wounds dressed by his own surgeons. (*Col. Rec.*, Vol. 10, p. 1023.) After "roasting them alive" we can imagine no further torture to which he could subject them.

The accounts vary much as to the number killed and wounded. Williamson, in his history, says that "seventy of the militia," meaning the Governor's men, "were killed or wounded." Martin says the Governor's loss was nine killed and sixty-one wounded. General Tryon,



in his report, says his "loss in killed, wounded, and missing was about sixty men and the enemy two hundred." (Col. Rec., Vol. 8, pp. 609, 616.) Dr. Caruthers, in his "Life of Dr. Caldwell," says McPherson, who was present and gave him the particulars, told him "nine Regulators were said to have been killed on the field, and a great number wounded." "The account I have always had from the Regulators and other old men in the region is that *nine* of the Regulators and *twenty-seven* of the Royalists were left dead on the field." This statement is concurred in by historians Williamson and Foote. Martin, in his History of North Carolina, Vol. 2, p. 276, says, "That out of a company from Beaufort County, fifteen were either killed or wounded by the Regulators." If the rest of Tryon's army suffered losses in the same proportion his loss would have been larger than is reported. According to a statement in Williamson (Williamson's History of North Carolina, Vol. 2, p. 150), which was probably from an official communication, Tryon lost more men than is reported. Martin, in his history, says, "Captain Potter commanded a company of thirty men from Beaufort. Fifteen of these were killed or wounded in action." If half of one small company was killed or wounded, it is natural to suppose that Tryon must

have had a more severe loss than is reported; but this is a matter which cannot be determined with accuracy, nor is it of great importance.

During the battle, James Pugh, a gunsmith by trade,—who had repaired many of the Regulators' guns prior to the fight,—a sharpshooter and a brother-in-law of Harmon Husband, with three other men, securely protected by a ledge of rocks and a large tree on the edge of a ravine, did great execution with rifles. Pugh, being a crack sharpshooter, did the firing, while the other three men did the loading for him. He killed fifteen (15) of Tryon's artillerymen. (Lossing, *Field Book of the Revolution*, Vol. 2, p. 576.) Although the cannon were directed against Pugh and his assistants, they could not be driven from their position; but at length they were surrounded. Pugh was taken prisoner. The others made their escape, and Pugh was tried for treason and executed a month later at Hillsborough.

Amongst the Regulators, Rednap Howell was the master-spirit that controlled their movements. This staunch Regulator's plans were far-reaching, and his aims for redress of grievances were far advanced. He was one of the committee that presented the petition to the Governor and General Assembly in 1768, and again the day before the battle. Of the forty-

seven sections in the present Constitution of North Carolina adopted in 1776, thirteen of them, or one-fourth, are the embodiment of reforms sought by the Regulators from Tryon and the General Assembly in 1768 and 1769.

Governor Tryon, after the Battle of Alamance, ordered a court of oyer and terminer to meet at Hillsborough and adjourn from day to day until his arrival with the prisoners. His next order was that "the dead should be buried on May 17, at five o'clock in the evening, in front of the park of artillery," "funeral services to be performed with military honors to the deceased." "After the ceremony, prayers and thanksgiving for the signal victory it has pleased Divine Providence yesterday to grant to the King's army over the insurgents." (Col. Rec., Vol. 8, p. 584.) For the accommodation of the wounded who were too badly injured to march with the army, Tryon appropriated the residence of Captain Michael Holt, on whose plantation the battle was fought, and fitted it up for a temporary hospital. A man from each detachment, with one sergeant, was ordered to report to the hospital for guard duty. John Walker was appointed hospital steward, reporting to Dr. Richards, surgeon in charge.

Among other prisoners taken immediately after the battle was one by the name of James

Few, who was immediately hanged on the spot, according to Martin's History, without a trial, or, according to Williamson, the historian, without the sentence of a court martial. This was an act of cold-blooded cruelty and almost fiendish malice which admitted of no apology, for the unfortunate Few was in a state of insanity, and was therefore not a fit subject for any manner of punishment. Wylie Jones, who was sent by Tryon, after the battle, to seize the papers of Harmon Husband, found among them a letter from Few, in which he alleged that *he was sent by heaven to relieve the world from oppression; and that he was to begin in North Carolina.* McPherson says he was "a young man, a carpenter by trade, and owned the small spot of ground just outside of Hillsborough. He was engaged to be married to a young lady whom Fanning seduced. He was a member of the Regulators; was taken on the field of battle; and, at the instigation of Fanning, was executed on the spot." (Foote, Swain, and Caruthers.) "The effect upon the susceptible and perhaps somewhat visionary mind of a young man, in such circumstance, of having his prospects of domestic happiness blighted by such a base villain as Fanning, who was trampling upon and running over every one, and especially the poor around him, be-

cause he was protected by the Governor and by the Superior Court, and was above the reach of the law, probably produced in Few a degree of monomania, and he began to think that he was commissioned from heaven to rid the world of such heartless oppressors; and as the Regulators were engaged in a conflict against oppression and extortion, in which Fanning and his class were so much interested, it afforded him a good opportunity to begin his work. The sacrifice of Few, however, uncalled for as it was, could not abate the rage of Tryon or quiet the guilty mind of Fanning, under whose influence he appears to have acted in this matter. The people of Hillsborough petitioned Tryon to spare Few's family, but of late he had been turning a deaf ear to petitions, and he extended his vengeance to the unoffending parents, brothers and sisters, by the destruction of their property; and thus showed that he was as destitute of humanity as he was regardless of justice." (Caruthers's *Life of Dr. Caldwell*, pp. 159, 159; Lossing, *Field Book of the Revolution*, Vol. 2, p. 578; Hawks, Graham, and Swain.) According to the author of a communication in the *Weekly Times*,—accepted by Caruthers, Foote, Graham, Hawks, Swain, Lossing, and others,—Captain Messer, an influential man in his neighborhood, having taken

an active part in the cause of the Regulators, was captured along with Few, Pugh, and others, was to have been hung the day after the battle; but owing to a very affecting incident which occurred, he was reserved for the fiendish execution at Hillsborough. His wife, having heard during the night of what was to take place next morning, went to the battle-field to see the last of her husband, taking along with her their eldest son, a lad of ten years, an uncommonly smart and pretty child for his age. The wife was prostrated on the ground, her face covered with her hands, while her heart was breaking, and the boy weeping over his mother, and in his childish way trying to comfort her in their dire distress while the preparation was going on preparatory to the execution; the wife crying and begging the Governor to spare the life of her husband. Suddenly the child sprang from the ground, and walking up to the Governor, said, "Governor Tryon, sir, hang me and let my father live!" Tryon, in angry astonishment, demanded of him, "Who told you to say that?" "Nobody, sir," bravely replied the boy. "Why do you make such a request?" the Governor next interrogated. "Because, sir," bravely replied the boy, "if you hang my father my mother will die and the children will perish!" This request was made with such simplicity and

earnestness that it touched even the stony heart of the "Great Wolf of North Carolina," and he promised the boy that his father should not die that day. At Fanning's suggestion a pardon was offered him on condition that he would bring into camp Harmon Husband ; and he was permitted to go in pursuit of the fleeing Quaker, while his wife and son were retained as hostages. On his return to Tryon's camp he reported that he was unable to bring Husband for want of more force, although he had overtaken him in Virginia. While his wife was sent home, Captain Messer was put in chains and dragged around the country through the Jersey and Moravian settlements while awaiting his execution.

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## CHAPTER V

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After the Battle Tryon Begins His March of Devastation; Husband's Estates His First Stop; Burns and Lays Waste His Property and Crops; Personal Mention of Husband and Family; His Implication in the Whiskey Riot in Pennsylvania; Tryon Marches Through the Jersey Settlements, Pillaging with Fire and Sword; in Camp at Reedy Creek; Joined by Waddell June 4; Combined Army Marches to the Moravian Settlements; Celebration of King's Birthday; General Waddell Ordered to March Westward and Subdue and Enforce Submission of Regulators in Rowan and Adjoining Counties; Governor Begins His March Toward Hillsborough; in Camp at Guilford Court House; His Proclamation Outlawing Certain Regulators; Breaks Camp and Marches to Hillsborough; Prisoners Tried and Condemned; His Personal Supervision of the Gallows and Details of Execution; Dr. Caldwell Comforts Condemned Men; Place of Execution; Pugh as a Man and Patriot; Robert Matear and Governor's Enmity for Him; Captain Messer; Captain Merrill and His Talk While on the Scaffold.

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About the 19th of May, Tryon with his army took up a line of march, advancing into the plantations of the principal Regulators, burning their buildings and laying waste to all



property. (Col. Rec., Vol. 8, pp. 615, 651; State Records of North Carolina, Vol. 19, p. 846.) Among the farms thus devastated was the seat of Mr. Harmon Husband on Deep River, whose farm, containing 600 acres of excellent land, was in a high state of cultivation. Upon his immense wheat fields of more than fifty (50) acres, with the golden grain just ready for the reapers, his corn fields just tasseled out, and upon his clover meadows covering broad acres awaiting the scythe, Tryon's soldiers turned their horses, numbering several hundreds, to graze, and a cotemporaneous account says "the army left the place without a spear of grass, stalk of corn or herbage growing, and without a fence standing, Tryon having burned all the houses and improvements of the place." (Col. Rec. of N. C., Vol. 8, p. 615, and State Records of N. C., p. 846.) Tryon was in camp at Sandy Creek, on Deep River, the home of Harmon Husband, for a week, levying taxes. Detachments were sent out to assist in collecting taxes and dispersing the Regulators, who were still lurking around in small parties, probably from mutual sympathy and not with any purpose of making any further resistance. While we are in the neighborhood of Harmon Husband, who had left for Pennsylvania just as the battle began, we will make

some mention of his family. As soon as Husband realized that blood would be shed, being a Quaker, and having religious scruples against warfare, declaring that his principles would not allow him to fight, he rode off the battleground just as Dr. Caldwell galloped up and began to address the Regulators. He was not seen in North Carolina again until after the Revolution. Charity must stretch her mantle to cover this delinquency of the leader of the Regulators; for why should he have urged the people to assemble for resistance to oppression unless to have fought? Unless, as already stated, he perhaps thought that by large numbers the Governor would be induced to comply with the requests for reconciliation. But after seeing the Governor's well-officered army and realizing that the outcome of a military conflict could result only in disaster for the Regulators, and knowing the disposition of Tryon, and that he would be captured and executed without mercy, being one of the leaders, he decided that it would be best for his personal safety to flee to Pennsylvania, his old home, which he did as fast as his horse could carry him. Husband, as a citizen, was not an objectionable character. He was sober, intelligent, industrious and prosperous; honest and just in his dealings, and, judging from his plenteous crops, destroyed

by Tryon's army, a good farmer. Husband came back to his old home after the Revolution, on business, but did not remain very long. Two of his sons settled on Deep River, near the Buffalo Ford, on their father's plantation, which was devastated by Tryon's army, and lived there for many years. A daughter of Husband married a man by the name of Wright, and lived in the community for fifteen or twenty years. The family of Rev. Dr. Caldwell speak of her in very high terms, not only as a woman of superior mind and agreeable manners, but as uncommonly interesting and intelligent for the age and country in which she lived. Her mother was a sister of James Pugh, who was captured at the Battle of Alamance and afterwards executed at Hillsborough. (Caruthers's Life of Dr. Caldwell.) Husband soon became prominent in Pennsylvania, being repeatedly elected to membership in the Pennsylvania Legislature. He was appointed a member of the Committee of Safety, along with Breckinridge, Bradford and Gallatin. He was implicated in a whiskey insurrection in Western Pennsylvania, and was arrested and taken to Philadelphia, where he was pardoned through the intercession of Dr. David Caldwell and Dr. Benjamin Rush and the North Carolina Senators. He met his wife

at an Inn on his return home, and died before reaching his old neighborhood.

After breaking camp at Sandy Creek on May 28, 1771, Tryon's army crossed Deep River at Buffalo Ford, and took possession of the Heights on the west bank of the Huwara River, a very favorable post by reason of the craggy cliffs, and made famous by the signal defeat the Northern Indians gave the Catawbias. The former having taken possession of the above Heights, attacked and surprised the latter as they were crossing the ford, returning home from an expedition against the Northern Indians. Tryon then marched through the Jersey settlements, pillaging with fire and sword, and camping at Reedy Creek on June 3, there to await the arrival of Gen. Hugh Waddell's forces, which joined him on June 4, 1771. General Tryon, after being joined by General Waddell, took up a line of march toward the Moravian settlements, which they reached two days later, and there celebrated King George's birthday. The King's birthday was on June 4, but the celebration was postponed in order to reach the Moravian settlements. (Col. Rec. of N. C., Vol. 8, pp. 592, 593; State Records of North Carolina, Vol. 19, p. 851.) The celebration of the King's birthday was carried out with great military pomp. At 12 o'clock a royal

salute of twenty-one (21) guns was fired. General Waddell, at the head of the column, immediately after this salute, loudly proclaimed "God bless the King!" which was instantly followed by three general cheers. The Moravian band furnished the music, playing several martial airs. (State Rec. of N. C., Vol. 19, p. 851.) The army was drilled for several hours, and the maneuvers of the Battle of Alamance were repeated, and volley after volley were fired from the muskets and artillery. "These rejoicings were three times repeated, and at the last cheer it seemed a general emulation, whether the hats or the shouts should ascend farther into the air, so great and general was the joy and gratitude." (State Rec. of N. C., Vol. 19, p. 851.) The united forces of Governor Tryon and General Waddell numbered about three thousand men, including officers. With such a military display the vain Governor was in all his glory. At 2 o'clock the maneuvers ended and the army marched back to its quarters. (Clewell's History of Wachovia, pp. 114, 115.)

On June 8, General Waddell was detached, with a few companies of infantry, of more than 600 men, and some seven pieces of artillery, to enforce the submission of such suspects and Regulators as had not surrendered. (Col. Rec. of N. C., Vol. 8, pp. 649, 674.) General Tryon

was induced to take this step on information by messenger from Colonel Moses Alexander of Mecklenburg.

After leaving camp at the Moravian settlement on June 7, 1771, Governor Tryon's forces started on their return trip toward Hillsborough. After a circuitous route through the Moravian settlements in Stokes County, by way of Big Troublesome in Rockingham County, he came to Guilford Court House on the High Rock Road, some eight or ten miles northwest of the present city of Greensborough, where he went into camp for a day or two. During all his marches after leaving the battle-field at Alamance he passed through the country dragging his prisoners (30) in chains as "scare crows" to others; administering his new-coined oath of allegiance; disarming the inhabitants; burning houses; destroying all growing crops; levying contributions of beef and flour for his army; insulting the suspected; holding courts martial, which took cognizance of civil as well as military offenses, extending their jurisdiction even to ill-breeding and want of good manners.

"After his return from the western tour, sixty head of cattle, as I have been informed, were collected from the plantations around his camp in Guilford County, and were driven

from that place, under charge of John Gilbert, to Tryon's camp on the Eno at Hillsborough. These cattle were collected around Greensborough, and it is probable that similar contributions were demanded through the whole western tour for the support of his army, while his Excellency was engaged in burning the homes of the Regulators, destroying their crops, and hanging traitors." (Caruthers's *Life of Dr. Caldwell*, p. 160.)

One of the most amusing incidents of Tryon's campaign occurred on June 1, just after the army crossed Abbot's Creek and went into camp on Benjamin Merrill's plantation, a valuable tract of well-cultivated land in the Jersey settlements, near the Yadkin River. The horses belonging to the army had been turned loose at night to graze, each animal having a bell tied to its neck to aid in finding any which might stray. In the immediate neighborhood was the residence, gardens and grounds of Benjamin Merrill, a planter, who owned and took great pride in an extensive apiary which was located in the gardens. A foraging party from Tryon's army were attempting to steal honey from this place, and in the darkness several beehives were overturned and the bees began stinging both men and horses. The horses thereupon began to run pell-mell at a full gallop around and



through the camp, ringing several hundred discordant bells, the sound of which made the night hideous. The sentinels, guards and pickets fired off their pieces, and the cry "stand to your arms!" rung throughout the camp. Tryon no doubt thought all the Regulators in the world had suddenly swooped down upon him. However, the cause of the tumult was soon ascertained and quiet was restored. (State Rec. of N. C., Vol. 19, p. 849.)

Before breaking camp at Guilford Court-House Tryon issued his proclamation outlawing certain Regulators. (Tryon's Order Book, Campaign Against Regulators; Col. Rec. of N. C., Vol. 8, p. 617; Wheeler's History of North Carolina.)

Guilford Court-House Camp,  
9th day of June, 1771.

Whereas, Harmon Husband, James Butler, Rednap Howell, and William Butler are outlawed and liable to be shot by any person whatever, I do therefore, proclaim that they are to be punished for the Traitorous and Rebellious crimes they have committed, issue this my proclamation hereby offering a reward of 100 pounds sterling, and 1000 acres of land to any person or persons who will take dead or alive and bring into mine or General Waddell's camp either or each of the above-named outlaws. Given under my hand and seal in the said province of Bathabara—this ninth day of June in the year of our Lord, 1771.

WILLIAM (Seal) TRYON.

By His Excellency's command,  
John Hawke, P. S.



After issuing his "outlawing" proclamation, he rested a few days before resuming his march toward Hillsborough, where he ended his tyrannical campaign of burning houses and destroying crops, arriving there on the 19th of June, 1771. A special term of court of oyer and terminer was at once held, presided over by Chief Justice Howard, with Associate Justices Maurice Moore and Richard Henderson. (Col. Rec. of N. C., Vol. 8, p. 650.) Lossing, in his *Field Book of the Revolution* (Vol. 2, p. 578), says: "At Hillsborough he held a court martial for the trial of the prisoners, twelve of whom were condemned to death. Six were reprieved and the other six hung, among whom was Captain Messer." The prisoners were all indicted for high treason, found guilty and condemned to death. On six of them—James Pugh, Benjamin Merrill, Robert Matear, Captain Messer, and two others—the sentence was executed on the 19th of June, 1771; the other six—Forrester Mercer, James Stewart, James Emmerson, Herman Cox, William Brown, and James Copeland—were respited until the King's pleasure could be known. (Col. Rec., Vol. 8, p. 635; Vol. 9, pp. 36, 37, 274, 311.)

"The unfortunate prisoners captured by Tryon were tried for a crime made capital by

a temporary act of the General Assembly, of less than twelve months' duration. This act ["Riot Act," see Appendix C] had, in great tenderness to His Majesty's subjects, converted *riot* into *treason*. The terror of the examples now proposed to be made under it was to expire in less than nine months thereafter. The offenses of the prisoners were derived from public and private impositions; and they were the followers and not the leaders in the crimes they had committed. Never were prisoners more entitled to the leniency of the law. The Governor shamefully exerted every influence of his nature against the lives of these wretched prisoners. As soon as he was informed that *one* day had been granted to two of the prisoners, by the court, to send for witnesses, who actually established their innocence and saved their lives, Tryon sent an aide-de-camp to the judges and Attorney-General, advising them that he was dissatisfied with the inactivity of their conduct, and threatened to represent them unfavorably in England if they did not proceed with more spirit and dispatch. Had the court submitted to Tryon's influence, all testimony on the part of the prisoners would have been excluded, and the poor wretches to a man would have been executed." (Judge Maurice Moore in the "Atticus" letter, pub-

lished in *Virginia Gazette*, November 7, 1771.)

The Chief Justice in pronouncing sentence upon each of the condemned Regulators used the form prescribed by the laws of England in cases of treason. He concluded as follows: "That the prisoner should be carried to the place from whence he came; that he should be drawn from thence to the place of execution and hanged by the neck; that he should be cut down while yet alive; that his bowels should be taken out and burned before his face; that his head should be cut off, and that his body should be divided into four quarters, which were to be placed at the King's disposal, and may the Lord have mercy on your soul." (Col. Rec. of N. C., Vol. 8, p. 643.)

We are not told whether the execution was carried out in all of its details according to the English form or not, but does the reader for one instant doubt that one of Tryon's blood-thirsty nature would let an opportunity pass to make the execution as horrifying as he possibly could to the miserable wretches; and thereby lose his first opportunity to carry into effect *his newly created act*, wherein riot was made treason. A general who would order fire set to the woods on a battle-field covered with dead and wounded soldiers, as Tryon did at Alamance, would not hesitate very long about

carrying out the letter of the law governing the trial and execution of prisoners indicted for high treason.

According to Caruthers (*Life of Dr. Caldwell*, pp. 160, 161), "on the day of the execution Tryon had the whole army drawn out under arms, except the quarter-guard and sentinels. They formed and marched in a hollow, oblong square—the first line the right, and the second line the left face; the main guard marching in the center, with the sheriff and prisoners, and the light-horse covering the outside to keep off the crowd. This order of march had been sketched out and given in general orders by the Governor himself, who stopped in this manner to point out the spot for the gallows, and gave orders for the clearing of the field around to make room for the army." As Maurice Moore in his "Atticus" letter observes, "the Governor's minute and personal attention to these particulars left a ridiculous idea of his character behind him, bearing a strong resemblance to that of the undertaker at a funeral. These brave men, whose only sin was having warred against corruption and oppression, deserved a different fate; but Tryon was not like Fingal, who never injured the brave, though his arm was strong." Others of them had not warred in any way,—Robert Thompson, for instance;

nor had they done anything "worthy of death" or even "stripes," and none of them deserved the ignominy which they received. But they had fallen into the hands of one who neither acknowledged the claims of justice nor was capable of appreciating merit, especially in those who, like Husband, Hunter, and their followers, could not and would not bow to his haughty mandates.

Rev. Dr. Caldwell traveled a distance of forty-six miles to attend the trial of the prisoners,—though it is said none of them belonged to his churches,—for the purpose of testifying to the character of such of them as he personally knew, and to be present, as a minister, to intercede on their behalf; and should he fail in that, to comfort them by his councils and his prayers in preparing them for the solemn change which awaited them. As to the former, his efforts were unavailing; but as to the latter, his labors, it is hoped, were not in vain in the Lord, and he probably felt rewarded for his journey and his trouble.

The place of execution where the six Regulators suffered such an ignominious death is just outside the town limits of Hillsborough, a few hundred yards in front of the residence of the late Paul C. Cameron, and only a short distance from the historic Eno River, where Gov-



ernor Tryon encamped in his march against the Regulators. In a grove of natural growth covering many broad acres rests a large marble slab which was placed there by Mr. Cameron's orders to mark the spot where the brave patriots suffered death. Surrounding this spot is a large, well-kept lawn, crossed by a small brook. "It is a traditionary legend that along this brook in the olden times was an 'Indian trading-path,' now overgrown with grass." Everything is beautiful, serene, and peaceful, with nothing but the musical notes of the indigenous song-birds and the murmur of the waters of the old Eno which roll hard by. One finds difficulty in realizing that this spot, in all its natural grandeur, was in the long ago the scene of such horrifying details as the one Tryon personally supervised in the old "Colonial days." (Haywood's *Life of Tryon*.)

"If those noble oaks and the historic Eno hard by possessed the power of speech, how strange a legend they would tell us."

"Old trees at night are like men in thought,  
By poetry to silence wrought;  
They stand so still and look so wise  
With folded arms and half-shut eyes,  
More shadowy than the shade they cast  
When the wan moonlight, on the river past;  
The river is green and runneth slow—  
We cannot tell what it saith;  
It keepeth its secrets down below,  
And so doth death."

One among the staunchest Regulators was James Pugh, a brother-in-law of Harmon Husband. He was a gunsmith by trade, and repaired many a weapon for the Regulators prior to the Battle of Alamance. During the battle he lay behind a ledge of rocks and killed fifteen of Tryon's artillerymen, and was still shooting when surrounded and captured. After his capture he was dragged around the country in chains through the western settlements, and as we have just read, tried and condemned for treason. According to Caruthers (*Life of Caldwell*, p. 165) and Foote (*Sketches of North Carolina*, p. 64), when placed on the gallows for the execution, he appeared perfectly calm and composed; said that he had long been prepared to meet his God in another world; refused to make any acknowledgments for what he had done; and requested of the Governor, who was present, permission to speak to the people in his own defense for one-half hour. Having obtained this permission, he then told them *that his blood would be as good seed sown on good ground, which would produce an hundredfold*. He recapitulated the causes of the late conflict; asserted that the Regulators had taken the life of no man previous to the battle, nor had they aimed at anything more than a redress of grievances; charged the Governor



**Execution of James Pugh.**

(From Colonial Column, Guilford Battle-Ground.)

Facing page 248.





(Col. Rec. of N. C., Vol. 8, Pref. Notes, p. 31) with having brought an army among them to murder the people instead of taking sides with them against a set of dishonest sheriffs, clerks, and other country officers; advised him to put away his corrupt clerks and roguish sheriffs and be a friend to the people whom he was appointed to govern. But when he said that Colonel Fanning was unfit to hold any office, he was suddenly interrupted, and the barrel on which he was standing was turned over at the instigation of Fanning, before Pugh was through speaking, and a patriot and seer swung out between the heavens and the earth a lifeless corpse.

Here is an instance of bravery and defiance on the part of the patriot James Pugh in rebuking Governor Tryon for his tyranny and unjust dealings with the people. His saying that his life and that of others whose blood was shed for American independence would be "as good seed sown on good ground, which would produce an hundredfold," was voiced five years four months and five days later by Nathan Hale, of Connecticut, who was captured by the British on Long Island and hanged as a spy. At his execution he was refused a Bible or the comfort of a minister, and his letter to his mother was torn up before his eyes. His last words were, "I only regret that I have but one life to

lose for my country." The State of Connecticut has honored Hale by having his statue erected in Hartford, and another in City Hall Park, New York City, while James Pugh's memory, unhonored until a few years ago when, through Col. Joseph M. Morehead's patriotic influence, a modest monument was erected to his memory. Shame on North Carolina for want of more patriotism! For bravery and defiance, the execution of Pugh for high treason and his rebuking words to the Governor on the one hand, and the execution of Hale as a spy and his regrets that he had only one life to lose for his country, on the other, are scarcely comparable; yet the latter is honored by monuments erected at Hartford, Conn., and New York City to his memory, while the former lies in an unmarked grave on the green sward by the old Eno, near Hillsborough.

Robert Matear, one of the unfortunate victims, was a quiet, inoffensive, upright man, who had never joined the Regulators. On the morning of the battle, May 16, 1771, he visited Tryon's camp with Mr. Robert Thompson and Dr. David Caldwell, and he and Thompson were detained as prisoners. No man in the community was more esteemed while living or more lamented when dead; and he had from the first to the last taken no part in the riots or in

the resistance which was made to the government. There seemed to be a peculiar hardship in this case, for Matear had never openly joined the Regulators or committed any overt act which would have made him liable for the punishment which he received. According to Caruthers in his *Life of Caldwell*, a few years before the battle he went to Newberne to sell a load of produce, and Tryon, having learned where he was from, as there were no mail lines in those days, made him the bearer of a letter to Alexander Martin at Salisbury. Matear had for a long time been uncertain as to what his actions should be with reference to joining the Regulators, or what his duty was in the matter. To get rid of this suspense and if possible be enlightened, it may have occurred to him to read the letter which he was carrying to Martin, and not knowing or thinking of the consequence, he opened the letter on the road as he was returning home and read it. He was so disgusted with the haughtiness and tyranny which it manifested, that he handed it over to one of his neighbors who was friendly to the Regulators. Through their carelessness or intemperate zeal, it became known, and was the sole cause of his death.

Captain Messer, who, as you remember, was captured just after the battle, along with the

poor unfortunate Few, who was hanged on the battle-field without trial by jury or by court martial, was to have been hanged the following day, but owing to a very affecting incident already noted, he was reserved for the Hillsborough fete, June 19, 1771.

Capt. Benjamin Merrill, of the Jersey settlements near Salisbury, was another of the unfortunate victims of Tryon's brutal tyranny. He was on his way to join the Regulators at Alamance, with a company of more than three hundred men (see Waddell's resolutions passed at Potts Creek, Salisbury, and Capt. Alexander's oath, p. 198), when he intercepted Gen. Hugh Waddell and forced him to flee to Salisbury, after taking most of his command prisoners. Captain Merrill was within one day's march of the Alamance when he heard the cannonading, and soon afterwards heard of the victory of the Governor's army. He is said to have regretted that he was not present with his men to have bled with those who fought for liberty. After hearing of the defeat of his comrades he disbanded his men and returned home. He was taken prisoner (State Rec. of N. C., Vol. 19, p. 849) by a detachment under Colonel Fanning, and brought to Tryon's army, encamped at "Jersey Settlement Camp," on Saturday, June 1, 1771; to the west of the Jersey

settlement near the Yadkin River, and put in chains with the other prisoners and dragged through the country to Hillsborough, where with his life he paid the forfeit. In this trying situation he gave his friends satisfactory evidence that he was prepared to die, for he not only professed faith in Christ, his hope of heaven, and his willingness to go, but sang a psalm very devoutly, like the Covenanters in the grass market in Edinburgh, and died like a Christian and soldier. On being permitted to speak just before the execution, he said that fifteen years previously he had been converted, but had back-slidden, yet now felt that he was freely forgiven and that he would not change places with any one on the grounds. In conclusion he referred feelingly to his wife and eight children, saying, "I entreat that no reflection be cast upon them on my account"; and requested that some part of his estate be spared for the widow and fatherless. It is said that one of Tryon's soldiers was heard to declare that if all men went to the gallows with a character such as Captain Merrill's, "hanging would be an honorable death."

If Captain Merrill with his three hundred men had reached the Alamance the day before the battle, the Regulators would have had a

commanding officer, and the result might have been quite different from what it was.

These men may have been rash, but they were not cowards; they may have been imprudent, but they were suffering under wrong and outrage, and the withholding of justice and the proper exercise of the law. "And if oppression and extortion will make a wise man mad," then ten years of oppression and extortion which these men suffered would have proved them fit for subjection had they been submissive.

Capt. Benjamin Merrill's friend, Capt. Raleigh Southerland, coming with the force of Surry County to help the Regulators, when hearing from a distance the guns at the Battle of Alamance, wept because he was not there with his countrymen "who were shedding their blood in defense of their rights." He was animated by the same patriotic spirit which led Gen. Francis Nash to say with his dying breath, on the field of Germantown, "From the first dawn of the Revolution I have been on the side of liberty and my country." The difference was in Southerland's favor, that he was the first to recognize the dawn of liberty's morning. (McCorkle in North Carolina Booklet.)

The apologists of Tryon and Fanning stigmatize the Regulators as "outlaws and rebels,"

"marauding, lawless, irresponsible mob," made up of ignorant men of the lower classes.

The petitions of the Regulators were couched in their own language. In one addressed to Tryon they said: "We tell you in the anguish of our souls, we cannot go to law with our powerful antagonists. Such a step, whenever taken, will terminate in the ruin of ourselves and families." Their experience with the courts at Hillsborough had been that they could not get justice. "All we want," said they to the Governor's secretary, "is liberty to make our grievances known," so confident were they of the justness and righteousness of their cause. Such petitions do not speak of the unreasonableness of a "mob."

They were men of lawful and law-abiding spirits, men of strong convictions, with manhood to back them up, for they stood up against Tryon at the Battle of Alamance without a commanding officer, without cannon or proper military equipment, unprepared for battle. Did they lack patriotism? Did they lack courage? Were they ignorant, unprincipled men? Did they hate law and order? Some of Tryon's apologists would have you believe that the answers should be in the affirmative.

To have submitted to the peremptory, insulting demands of Tryon's proclamation just



before the battle would have been to exhibit the cringing spirit of slaves, so, with the courage of true martyrs and heroes, they stood their ground when Tryon precipitately began the battle. "Thus," as says Caruthers, "was shown the first expression of the principle and spirit which covered the men of 1776 with immortal glory."



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## CHAPTER VI

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Tryon Receives Commission as Governor of the Province of New York; During Trial of Prisoners He Leaves Hillsborough; Goes in Camp at Stony Creek; Next Morning His Farewell to His Officers and Army; Returns to His Palace at Newberne and Embarks for New York; Josiah Martin, the New Governor; Blood Shed at Alamance Battle-ground; the Graves of Patriots; the "Flower of Freedom" Which Sprang Therefrom; Monument of the Regulators that Fell at Alamance; the Monument Association; Rev. Daniel Albright Long; Distinguished Guests in Attendance; the First Liberty Bell in America; the First Battle of the American Revolution; the First Declaration of Independence at Charlotte; the Mecklenburg Declaration, May 20, 1775.

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It is said that while the trial of the prisoners was in progress that Tryon received his commission as Governor of the Province of New York. As soon as the bloody tragedy was over, the army left Hillsborough on the following day, June 20, 1771, and encamped at Stony Creek, and next morning the Governor took leave of his officers and the army and returned to his costly palace at Newberne, only to bid it

a long farewell, and make room for Josiah Martin, who knew better how to appreciate the colonists and their complaints. The troops, after Tryon's departure, were conducted by slow marches to Col. Needham Bryan's, in Johnson County, near where the present town of Smithfield now stands, where the different detachments separated, and returned each one by the nearest route to their respective counties. It will be remembered that the inhabitants of Duplin County refused to accompany Tryon's army in their march against the Regulators, and Colonel Ashe was directed to stop there and get them to take the oath of allegiance. But they were as obstinate about taking the oath of allegiance as they were about marching against the Regulators, and after waiting two or three days in vain, Colonel Ashe left them to enjoy their independence and returned home. Thus ended an expedition which was little more than a crusade against justice, freedom, and humanity, in which Governor Tryon effected nothing for the permanent tranquillity and peace of the country, but saddled the Province with a war debt of about sixty thousand pounds sterling—three hundred thousand dollars. And while he subjected himself to the keenest shafts of ridicule, he gathered no laurels but such as were stained with the blood of his much-wronged and

greatly-injured subjects, or blighted by the tears of the widow and orphan.

The Battle of Alamance was the incipency of that "Whig" and "Tory" venom, which the "Revolution of the Regulators" aroused, that spread like wild-fire amongst the colonists of the thirteen provinces; which took years of bloody warfare and cost the country thousands of lives to smoulder it away. And yet this was a great object-lesson to the Americans. They saw the necessity for, and realized the need of, military discipline and equipment—a good lesson for a new nation, that of the United States of America. From the Hillsborough execution, which was the closing scene of a tyrannical Governor's campaign against His Majesty's oppressed subjects, was learned a lesson. The Regulators saw and realized what might have been accomplished by union, organization, and proper discipline. Notwithstanding the artillery, Tryon with the same troops could not have defeated the Regulators the second time on the same ground. The Americans had learned a valuable lesson in warfare and would have put Tryon's troops to flight.

I have pondered on the sad fate of the patriots who shed their blood on the Alamance battle-ground. "Theirs was indeed a sad fate; but God in His wisdom, overruling all men's

wickedness, even to His own high purposes, has brought good out of this great wrong. It is said that in the olden days, from every hillock surrounding this historic spot, consecrated by the blood of martyrs, there came a voice to their countrymen, which for years afterwards they remembered, "Ye see here the tender mercies of an oppressive Government to your countrymen"; and the people answered, "It were better for men to die like patriot soldiers, trying to overthrow such a government, than to be hanged like dogs for complaining of it." And they swore, God being their helper, they would be free, *and they are free!* "From the blood shed on the *Battle-field of Alamance*, from the very grass which covers the graves of the heroic dead, sprung the glorious flower of freedom which now blossoms in all its fragrant splendor throughout this great Republic"—the United States of America: the grandest, greatest, and most glorious republic on earth today.

I once lived and practiced my profession in the county of Alamance, in the neighborhood where these patriots lived, suffered, and died; I have made many a pilgrimage to the historic spot; I have talked with the descendants of those who were in this battle, and of the oppression they endured, and of the incidents before and after the battle. The spot is now marked



**The First Liberty Bell**

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by a monument reared by the citizens of Alamance County in memory of the brave heroes who fell fighting for American freedom and independence.

Rev. Daniel Albright Long, D. D., a citizen of Alamance County, on July 4, 1879, in a speech at the Regulator Battle-ground, which is about six and a half miles southwest of the present town of Graham, the county seat of Alamance County, called upon the citizens of the county to organize a "Monument Association" for the purpose of erecting a monument to the patriots of May 16, 1771. The organization was perfected, and in the course of time the monument was erected, and it was unveiled on May 29, 1880, in the presence of several thousand patriotic citizens, the Governor of the State and military staff being present.

The music for this patriotic occasion was furnished by the Durham Military Band from Durham, North Carolina, through the generosity of Gen. Julian S. Carr, who fought under Lee during the late unpleasantness between the North and the South, and one of North Carolina's most princely and patriotic philanthropists.

Col. Thomas M. Holt and Judge Daniel G. Fowle, both of whom were afterwards Governor of the State, made appropriate speeches.



Many interesting relics were exhibited, among others a very large hand-bell, said to have been used by the Regulators to call their forces together, as well as to warn them of the approach of the British. This *first* Liberty Bell in America was presented to Dr. Long for his interest in the movement, and final erection, of the monument.

Governor Tryon with his own hands fired the first shot at the Battle of Alamance, which killed Robert Thompson, the first man killed at Alamance, Thursday, May 16, 1771. It was here that the first blood was shed for American freedom and independence; it was here that the British first met the Americans—Regulators—on the battle-field; here was the spot where the first armed resistance to British authority was enacted. The Battle of Alamance, and not the Battle of Lexington, as is usually taught, was the first battle of the American Revolution.

The burning desire for freedom and independence, held in check by an oppressive government, at last—volcano-like—burst through the powers of suppression; and its eruption, like wild contagion, spread with the rapidity of a wild prairie fire, consuming the mind and intellect of all with whom it came in contact with a desire for and a determination to be free and independent, until Massachusetts and the other



**Monument to the Battle of Alamance.**

**Facing page 262.**



eleven colonies joined the Regulators of the Province of North Carolina for the coming stupendous struggle for independence.

The Revolution of the Regulators at the Battle of Alamance sharpened the sensibilities and instilled into the intellect of the Mecklenburgers the determination to be free and independent, which led to the Mecklenburg Declaration of Independence, the *first* Declaration of American Liberty and Independence. With the facts before us it is an indisputable historic fact that the Province of North Carolina was the first of the thirteen colonies to openly resist and later cast off the British yoke, and relying on the truth and justice of her cause and with the help of the God of David, she threw the gauntlet—Mecklenburg Declaration of Independence—of defiance in the teeth of the Goliath power of England.\*

Possibly no two facts in American history have been more doubted and discussed, and as a consequence more clearly and indisputably pro-

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\*Mrs. L. A. McCorkle, writing in the North Carolina Booklet, "Was Alamance the First Battle of the American Revolution," defends the cause of the Regulators in a masterly style. Her conclusions evince a research surpassing that of any recent writer, and so just to the cause of the Regulators and the principles for which they fought and died that I hope to be pardoned for drawing largely upon it, realizing that she has exhausted the sources of information, and that nothing can be added to nor taken from it without marring the truth.

ven, than that the Battle of Alamance was the first battle, and here the first blood was shed; and that the Mecklenburg Declaration of Independence was the forerunner of the American Revolution. The blood shed at Alamance made possible the Declaration of the Mecklenburgers. However, just as there were during the war of the roses patriotic Englishmen who sided with the House of York, while others were allied with the House of Lancaster; as during the Protectorate there were patriots among the Roundheads as well as among the Cavaliers; as during the Revolution there were some good men who believed in Toryism and sided with England, while other good men, believers in Whig principles, opposed England; as during the war between the States there were conscientious believers on the Union side who fought against their neighbors and kindred in the Federal army—so for more than a hundred years there have been among us those believing in, and those refusing to believe in, the patriotism of the heroes of the Battle of Alamance and in the authenticity of the Mecklenburg Declaration of Independence.

“The statements of Bancroft, in his ‘History of the United States,’ edition of 1854, are for the most part quotations from the letters of Governors Tryon and Martin to Lord Hillsbor-

ough, Secretary of State for the Colonies, and from contemporary publications in Philadelphia, New York, and Boston. This great historian tells us that he had a very full collection of papers bearing on the Regulators, and he declares that 'the blood of rebels against oppression was first shed on the branches of the Cape Fear River.' Nor is the opinion of Dr. Carruthers to be despised. He lived for forty years in the section which had been the storm-center of the Regulation movement, being the immediate successor of Dr. David Caldwell as pastor of the historic churches of Alamance and Buffalo. He gathered many of his facts from 'old men of great respectability, who were then living and remembered the former times.' When he used verbal testimony he 'took pains to get an account of the same thing from different persons or from the same person at different times, for the purpose of comparing them together and ascertaining the truth.' And he tells us that 'the Regulation is now regarded by our greatest men as the very germ of the Revolution in this State.' Dr. Hawks tells us he lived 'where the spot on which the Regulators were hanged met his eye every day,' and declares that 'God made the flower of freedom grow out of the turf that covered these men's graves.' He also had a personal acquaintance

with contemporaries of those who laid down their lives at Alamance.

"It is urged that the Regulators were not fighting British troops and that they were not fighting for independence. As to the first quibble, it is sufficient to state that they were fighting the same sort of a force that suffered defeat at the hands of Shelby and Cleveland at King's Mountain—colonial militia, flying the British flag, and led by officers who represented the British Crown. As to the second, the same argument would prove that Lexington was not a battle of the Revolution at all, and that in fact the Revolution did not commence until July, 1776. The truth is, none of the colonists at first desired independence. The common demand of all was redress of grievances. Only thirty-seven days before the Battle of Lexington, John Adams declared 'that there are any who pant after independence is the greatest slander on the Province.'

"Once more, it is said that the Regulators did not come thither expecting to fight. Neither did the men of Lexington. We are told that 'the night preceding the outrage at Lexington there were not fifty people in the colony that ever expected any blood would be shed in the contest.' The patriots of Alamance were stigmatized as rebels, and suffered the spoiling of

their plantations and the burning of their homes, and some of them were executed as traitors and rebels. According to the British view the men of Lexington were nothing more nor less.

"Compare the utterances and the deeds of the men of Alamance with those of the men of Lexington. They at Lexington instruct their representatives to demand 'radical and lasting redress of their grievances.' On the village green of Lexington free-born Americans swore 'to combat manfully for their birthright inheritance of liberty.' On the green sward of Alamance the Regulators, counting themselves free-born, gave full proof of their resolve 'to know and enjoy the liberty which they had inherited.'

"Word chimes with word. Deed harmonizes with deed. The same spirit of freedom, ready to die for liberty, breathes in both. At Alamance there burst forth in a battle for right and justice the same undaunted spirit of love for freedom that afterwards flashed in the Mecklenburg Declaration of Independence, and later flamed at King's Mountains, at Cowpens, and at Guilford Court House."

In view of all the facts, attested by contemporary witnesses and admitted by royal Governors, we feel constrained to believe that what



Bancroft says of the men of Lexington should be, in all its particulars, held applicable to the heroes of Alamance, and to them only.

"There they now stood, with arms in their hands, silent, fearless, willing to fight for their privileges, scrupulous not to begin civil war, as yet unsuspicious of danger. The ground on which they trod was the altar of freedom, and they were to furnish the victims. If any fact in the history of the United States is well attested, it is that the fire which flashed forth at Alamance was not quenched in the ashes of defeat. It left embers burning from which, as the years went by, there was kindled throughout Surry, Anson, Rowan, and Mecklenburg, and across the Alleghanies in the independent 'State of Franklin,' founded by refugees from the country of the Regulators, a flame of patriotic fever which, uniting at last with the fires of Lexington and Bunker Hill, swept away the entire remnant of British power in the colonies. In the State of Franklin, the immediate offspring of the Regulation movement, independence was a fact before it was dreamed of elsewhere. In that little Commonwealth in the mountains no British flag ever waved and no officer of the British Crown ever came, and there the people, outraged and outlawed by British oppression, 'set to the people of America

the dangerous example of erecting themselves into a State separate and distinct from and independent of the authority' of the English Crown."

If this resistance of the Regulators to Tryon's tyranny is not entitled to be designated a "Revolution" because the original purpose of the Regulators was not to "change their form of government," neither was the continuous and falsely so-called "Revolutionary War" entitled to be termed a revolution for the same reason; for to a certainty the Revolutionary patriots had no idea of changing their form of government till 1776—five years after the war had begun. We have proven that the War of the Regulators was a revolution and the beginning of, one and the same war against oppression by the British Government; and that for the establishment of our free and glorious Republic Washington and his coadjutors must share the honor with the Regulators. We feel in duty bound, as a true North Carolinian, to do the Regulators and their cause justice, and the Colony of Massachusetts, with the glories of her Lexington, must yield precedence to the Old North State and her "Alamance," where the first patriots defied an army flying the British flag, and gave up their life-blood for American liberty and independence.



## **APPENDIX**



## APPENDIX "A"

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### GOVERNOR WILLIAM TRYON'S CHARACTER AND PERSONAL CHARACTERISTICS.

Governor Tryon was an Englishman by birth and a soldier by profession. He received a commission as Lieutenant and Captain of the First Regiment of Foot Guards, 12th October, 1751; in 1757 he married Miss Wake, of Hanover St., London, with whom he received a large fortune of £20,000 pounds sterling, and on 30th September, 1758, became Captain and Lieutenant-Colonel in the Guards. Through some Court influence, probably as Miss Tryon, his sister, was maid of honor to the QUEEN, and as he claimed relationship with the Rawdon or Moira family, he was appointed Lieutenant-Governor of North Carolina, where he arrived 27th of October, 1764, and was *Gazetted* Governor of the Province 20th July, 1765. He administered the Government of North Carolina until July, 1771, when he was advanced to that of New York. He was promoted to a Colonelcy in the Army 25th May, 1772; became third Major of the Guards, 8th June, 1775; Major-General, 29th August, 1777, and Colonel of the 70th regiment, 14th May, 1778. In 1779 his name was inserted in the New York Act of Confiscation. On 21st March, 1780, he resigned the Governorship of New York, which for many years had been only nominal, and returned to England, where he was appointed Lieutenant-General, 20th November, 1782, and Colonel of the 29th Foot, 16th August, 1783. Governor Tryon died at his home, upper Grosvenor Street, Lon-

don, 27th January, 1788, and his remains were deposited in the family vault at Twickenham. A highly eulogistic obituary notice of him, doubtless from the pen of Edmund Fanning, who accompanied him from North Carolina in July, 1771, appeared shortly after in the *Gentleman's Gazette*, LVIII., 179. "The name of Tryon," it asserts, "will be revered across the Atlantic while virtue and sensibility remain." The State of New York manifested its "reverence" soon after by erasing the name Tryon from the only county that bore it in the State. North Carolina also obliterated the name Tryon, which stigmatized one of her counties, by dividing the territory in 1779 into two new counties—Lincoln and Rutherford.

What was Tryon's real character it is difficult to say even at this day. That he was a soldier, diplomat and statesman is beyond dispute. That he possessed personal courage is doubtless true; that he was well versed in the learning of his profession and possessed of a practical knowledge of its details, no one can deny who has studied his record. Undoubtedly, he was fond of the pomp and vanities of life generally; but, possibly, he was never quite so happy as when riding at the head of a column of gallant men, and doubtless the feather in his hat was just a trifle, at least, more showy than the plumes worn by men of equal rank, though, perhaps, not of equal military ability. But Tryon, when in North Carolina, at least, is considered to have been something more than a mere soldier seeking a bubble reputation at the cannon's mouth; but, for all that, he was always a soldier, and, while an adept in the arts of diplomacy whenever it pleased him to employ them, he always had in view the use of armed troops as a last resort. Diplomacy, too, perhaps, he kept for the legislature and force for the people. After the matter of the Stamp Act, he used all the force at his command, the armed vessels in the river, and proceeded to advise the home government as to the best time to send troops to the Province. In the matter

of the Cherokee Boundary Line, of which there was no necessity, with an army consisting of one hundred men and servants, marching in all the vanity and pomp of a general going to war, he marched for the westward on May 20th, 1767, and returned again on June 13th of the same year, being out seventeen days, for which the taxables of the Province were assessed more than two pence per head, aggregating the sum of £15,000 sterling. In the matter of the Regulators, which, though perhaps the most important event of his administration, the advantages likely to accrue to himself personally from a successful armed conflict with so-called rebels, seemed to have possessed him at an early date, and to have blinded him entirely as to his duties to the people over whom he ruled. His desire to live in luxury and be surrounded by the pomp and vanity of royalty, had its culmination in his influencing the Assembly to build a palace which cost the Province Twenty Thousand Pounds. The truth seems to be that he could have settled the Regulation troubles without force had he desired to do so. This he did not desire to do, but, on the contrary, desired the Regulators should proceed to violence, which would give him a pretext to bring an army into the fields. His first army for this purpose was officered in September, 1768, when he undertook the Hillsborough Expedition against the Regulators; but his promises to their requests for an amicable adjustment of their grievances satisfied them, and they left him "to fight the air;" he was disappointed of the desired conflict. The cost of this Hillsborough expedition was something more than £20,000 sterling. His next army was not put in the field until April, 1771, but he began preparing for it more than twelve months before by having the Johnson Act passed, which was only to be in force for one year, and no longer, during which time he realized that the Regulators would take up arms against the Government, knowing that they would no longer submit to the extortion and oppression practiced



by all the officers of the Government, from himself down. After having the necessary laws passed for this campaign and the troops drilled and in readiness, he by no means proposed "to fight the air" (again) this time, so he held his troops back until it was certain there would be substantial men in his front, and not merely "the air." The expense of this expedition cost the taxpayers of the Province more than £40,000 sterling. From the tenor of his correspondence generally, it would seem he was steadily looking forward to his marching against the Regulators, and, from his correspondence just before the Legislature met in 1770, it would seem he was eagerly on the hunt for matter with which to aggravate that body into passing a Johnson Act of some sort. Certainly, too, when in March, 1771, he ordered the judges to attend the approaching term of Hillsborough court, it would seem he desired to make sure of further violence, and to use the words of one of the judges, "was not unwilling to sacrifice his judges to increase the guilt of his enemies." Either that, or he utterly discredited the reputed violence of the Regulators.

He was a fine writer, too, and a fearless one, and wrote with much force and elegance, indulging at times in smoothly polished impertinence, very thinly veiled, in his correspondence with the home Government. But, to do Tryon full justice, we must bear in mind that modern ideas of the just relations between the People and their Governors today are very different from the ideas of one hundred and fifty years ago. Fanning, too, at an early day seems to have gotten an influence over him; so baneful, indeed, was it, that from the day it was acquired it was full of evil, and evil only, to the Province.

As we have just stated, heavy appropriations had great attractions for him, for he was reckless and extravagant in the expenditure of public money. The four appropriations above mentioned cost the taxpayers of the

Province of North Carolina \$500,000 during the period of six years of his incumbency as Governor.

He was evidently a man of complex nature, in which force and diplomacy and mere foppery, perhaps, contended for the mastery; and, too, while ordinarily an amiable man, when his blood was up he was as merciless as a wild beast. The wanton hanging of the lunatic Few, in cold blood, and without any form of trial, the morning after the battle of Alamance, when all pretense of resistance was at an end, showed both the cruelty of the man and the domination Fanning had over him, and the manner in which he ravaged the country of the Regulators after they were vanquished was worthy of a Cumberland in olden times or a Sherman in modern. Equally cruel was the infliction of two hundred and forty lashes upon a man whose greatest crime was writing an "impudent letter" to "Lady" Tryon.

Nor, in this regard, was his course in New York any better. Sabine, in his "Sketches of the American Loyalists," paints him in very black colors. He says that in 1777, when Governor of New York, Tryon declared that if he had more authority, he would "burn every committeeman's house within his reach," and that he would "give twenty-five silver dollars for every acting committeeman delivered up to the King's troops;" that when Fairfield was burned, Mrs. Burr, a lady of great dignity of character, and possessed of most of the qualities which give distinction to her sex, resolved to remain in her dwelling, and, if possible, to save it from the flames. She made personal application to Tryon to spare it, but he answered her not only incourteously, but rudely, brutally, and with vulgarity, and when a soldier attempted to rob her of her watch, he refused to protect her, and that at the burning of Norwalk he seated himself in a chair on Grammond Hill and calmly enjoyed the scene.

Among the valuable property destroyed in the Norwalk fire was a valuable library of one thousand volumes and the household property of Haynes Fitch, grand-uncle, prefixed by several greats, of the author of this volume. This house and the library was converted into ashes, as well as his grain, which was being harvested; that which had been cut, but not bound in the bundles, was spared; as Haynes Fitch said, the day before, expecting the British to burn it: "If they wanted to burn it they would have to gather it up and stack it." Consequently his was the only crop of wheat not entirely destroyed during the Norwalk fire on July 11, 1779.

The Hon. William L. Saunders, editor of the Colonial Records of the State of North Carolina, in speaking of Tryon, says that he, like Fanning, was immensely wealthy when he left the Province of North Carolina. This is easy to understand, if he, like Fanning, extorted and oppressed on every opportunity.

(See Vol. VIII. Colonial Records, Prefatory Notes.)

In substantiating the fact of Tryon's ambitions in a military line and his desire for the pomp and aggrandizement of military honors, we will quote from a letter of his to the Earl of Hillsborough, Williamsburg, 8th July, 1769:

\* \* \* \* \*

One grand principle of my offering my services in America flowed from a wish to be placed in a situation in which I might render my services more beneficially to my Royal master than my station in the Guards would probably allow me to do in time of peace. Another motive was that if happily I could, by a diligent discharge of my office answer the purpose of it. I flattered myself it would recommend me to the King's indulgent consideration in my Military line. The first of these objects I have amply obtained by His Majesty's most gracious approbation of my public conduct, signified to me both by

your Lordship and the Earl of Shelburn. The fruits of the latter I can only hope from his Majesty's most gracious favor; but upon that I entirely depend, as the Earl of Halifax told me (while Secretary of State) on my departure from England that he had it from the King to assure me I should receive no prejudice in my Military rank while employed in America. If, therefore, in His Majesty's goodness I might be appointed one of his Aide-de-Camps or receive a Regiment through his Royal bounty, in either case I should be gratefully happy. But if a regiment should be my fortune, my unwearied duty would be exerted to keep it as well disciplined and appointed as the company of Grenadiers I reluctantly resigned to Colonel West.

Permit me, my Lord, to request the favor of you to lay this letter at his Majesty's feet, and to support it with your Lordship's good offices, which will infinitely oblige,

My Lordship, Etc.,

WM. TRYON.

(Col. Rec. of N. C., Vol. VIII, p. 54.)

Herein we learn unmistakably that promotion in a military line, Tryon being a soldier by profession, was the ultimate end and aim of his earthly aspirations and the goal toward which all his aims and efforts tended.

## APPENDIX "B"

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LETTER FROM JOHN FROHOCK AND ALEXANDER MARTIN TO  
GOVERNOR TRYON.

SALISBURY, 18th March, 1771.

*May it Please Your Excellency:*

As you have been ever attentive to the true Interest of the Province during your Administration, and have exerted every prudent method to maintain its Public Peace by endeavoring to quell a most dangerous and lawless Insurrection that has of late disturbed this part of your Government, permit us, Sir, to discharge our Duty on this Occasion by informing you to what issue Regulation (as it is called) is brought, and upon what Footing it stands at present in the district of Salisbury.

The Regulators, upon their return from their Expedition to rescue Herman Husbands, formed a design to visit Salisbury Superior Court, which hearing, one of us went down into their Settlements to know the reality of their Intentions, and found them assembled for that purpose, though peacefully disposed beyond expectation. On the sixth of this Instant they accordingly appeared to the amount of four or five hundred, encamped in the Woods on this side of the Adkin River. We went to them; found some of them armed and others unarmed; desired to know their designs and what they wanted. They answered, they came with no intention to disturb the Court or to injure the Person or property of any one, only to petition the Court for a redress of Grievances

against Officers taking exorbitant Fees, and that their arms were not for offense, but to defend themselves if assaulted. These were the general Answers of their Chiefs, though there were several threats and Menaces of whipping flung out by the lower Characters among them against some particular persons, but not by the general voice. We told them there was not any Court; that from this late Behavior the judges did not think it prudent to hold one at Salisbury under the direction of Whips and Clubs. They seemed somewhat concerned, and said there would have been no danger for the Chief Justice to have held a Court, but as to the Associates they were silent. We further told them if any of us were the persons against whom they had complaints, justly founded, we were always ready and willing to give them satisfaction without their disturbing the Public Peace. They intimated we were some of the persons against whom they were to complain, and to show their disposition for peace and that all disputes between them and us should subside hereafter they formed a Committee to wait on us, and to propose a plan of accommodating matters, who were Jeremiah Fields, Joshua Teague, Samuel Jones, John Vickery, Samuel Waggoner, James Graham, John Enyart, James Hunter, Peter Julian, John Corry, Henry Wade, William Wilborn, Jr., Samuel Law, Thomas Flack, Daniel Galaspie and James Wilson, who proposed, in behalf of the people (as they said), to leave every complaint and dispute subsisting between us to men by each of us to be indifferently chosen, to which we readily agreed as equitable.

Accordingly on their part they nominated Herman Husbands, James Graham, James Hunter and Thomas Person, we in turn chose Matthew Locke, John ———, Samuel Young and James Smith, that they, or a majority of them, should arbitrate and finally settle every difference between us whatsoever. And also fixed the time

for the meeting of the Arbitrators and every person concerned, on the third Tuesday in May next, at John Kimbrough's, on Huwaree. By this Agreement no Officer is included but those of this County and those who voluntarily join the same. Upon which the main body, after being informed what had been done, went through the Town, gave Three Cheers, and returned to their homes without using violence to any Person whatsoever to our knowledge.

This, may it please your Excellency, is a short detail of what passed between the Regulators and us the sixth and seventh of this Instant, and had they been insolent or daring enough to have committed any outrages, there were, in consequences of Orders given previous to their coming, three Companies of the Militia armed, headed by their respective Officers, Major Dobbins, Captain Rutherford and Captain Berger, ready in town to oppose them and to protect the Court, if there had been any. And on the seventh Day, Col. Alexander and Captain Polk appeared from Mecklenburg with Seventy or Eighty men for the same purpose, to whom the Thanks of This County are justly due. From such appearances of Opposition this deluded people begin to grow sick of Regulation, and want peace upon any tolerable Terms. As the spirit of sedition has been propagated with much industry among the lower class of Inhabitants here, who are loud in their clamors against the officers, We flatter ourselves the Measures we have taken will be approved of and acceptable to your Excellency, having a tendency to still the minds of many misinformed, misguided, though well meaning, persons, who have been inadvertently drawn into joining the Faction. For we are conscious of our Innocence, and that their complaints are chiefly groundless, and are willing and desirous that any set of reasonable men may inspect and judge our conduct. This, when the populace is once satisfied of, they will drop their

prejudices and their haughty Leaders, will become Objects of their, as well as the Government Resentment. This procedure we expect will have more effect on their minds than all the Formalities of Law whatsoever, as they would still suggest they had injustice done them. They want, they say, to converse with the Officers who have taken Their Money, to satisfy them for what (this is surely reasonable), and they will all be quiet again. This we have undertaken to do, and Time must produce the effect. If our hopes and wishes be not too sanguine, perhaps this may be the foundation of putting an end to all future Tumult and disorder, and would hope that our conduct by no means reflects any dishonor on the Government or lessen the dignity of the Administration to punish those Offenders heretofore guilty of outrages, adequate to their Crimes, but shows the desire and readiness of us to remove every complaint they have against us, without involving the Government in a considerable and unnecessary expense. But should these terms not have the desired effect, the aggravation of their guilt will surely be much the greater. Upon the whole, we submit these proceedings to Your Excellency's wiser Judgment, and flatter ourselves with the Approbation. We assure you, Sir, we shall always be fond of whatever Instructions you shall please to honor us with relative to our future conduct, in which the peace and welfare of the Government is so much concerned. We are, with our utmost Respect, Etc.,

JOHN FRODOCK.

ALEX. MARTIN.

(See Colonial Records, Vol. VIII, pp. 533-34-35-36.)



## APPENDIX, "C"

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An Act for Preventing Tumultuous and Riotous Assemblies, and for the More Speedy and Effectually Punishing the Rioters, and for Restoring and Preserving the Public Peace of This Province.

Whereas of late many seditious riots and tumults have been in divers parts of this Province to the Disturbance of the Public Peace, the Obstruction of the Courts of Justice, and tending to subvert the Constitution, and the same yet continued and fomented by persons dissatisfied with his Majesty's Government. And whereas it hath been doubted by some how far the Laws now in Force are sufficient to inflict Punishment adequate to such heinous Offenses.

Be it therefore enacted by the Governor, Council and Assembly, and by the Authority of the same, That if any persons, to the number of *ten or more*, be unlawfully, tumultuously and riotously assembled together, to the disturbance of the public peace, at any time after the first Day of February next, and being openly required or commanded by any one or more justices of the Peace or Sheriff to disperse themselves, and peaceably to depart themselves to their Habitations, shall, to the number of ten or more, notwithstanding such command or request made, remain or continue together by the space of one Hour after such Command or Request, that then continuing together to the number of ten or more, shall be adjudged Felons and shall suffer Death as in Case of Fel-

ony, and shall be utterly excluded from his or her clergy, if found guilty by verdict of a jury or shall confess the same, upon his or their arraignment, or will not answer directly to same, according to the Laws of this Province, or shall be mute or shall be outlawed, and in every such justice of the Peace and Sheriff within the limits of their respective jurisdiction, as hereby authorized and empowered, and required on Notice or knowledge of any such unlawful, riotous assembly to resort to the place where such unlawful riots and tumultuous assembly shall be, of Persons to the number of ten or more, and there to make, or cause to be made, such Request or Command.

And be it further enacted by the authority aforesaid, that if such persons so unlawfully, riotously and tumultuously assembled, or ten or more of them, after such request or command made in manner aforesaid, shall continue together and not disperse themselves in one hour, then it shall be lawful to and for every Justice of the Peace or Sheriff of the County where such Assembly shall be, and also to and for such Person or Persons as shall be commanded to be aiding and assisting to any such justice of the Peace or Sheriff, who are hereby authorized and empowered and required to command all His Majesty's subjects of this Province of Age and Ability to be assisting to them therein to seize and apprehend such persons so unlawfully, and riotously and tumultuously continuing together after such Request or Command made aforesaid, and forthwith to carry the Persons so apprehended before one or more of His Majesty's Justices of the peace of the County where such persons shall be apprehended in Order to their being proceeded against for such Offenses according to Law. And that if such persons so unlawfully and riotously and tumultuously assembled together, shall happen to be killed, maimed, wounded or hurt in the dispersing, seizing, or apprehending, or endeavoring to disperse, seize or appre-

hend them, by reason of their resistance, that in every such case, the Justice of the Peace, Sheriff, or under sheriff, and all other persons being aiding or assisting to them, or any of them, shall be free, discharged and indemnified, as well as the King, his Heirs and Successors, as against all and every other person and persons of, for and concerning the killing, maiming or hurting any of such person or persons so unlawfully, riotously and tumultuously assembled.

And be it further enacted by the Authority aforesaid, that if any Persons to the Number of Ten or more, unlawfully, riotously and tumultuously assembled together to the disturbance of the Public Peace, shall unlawfully and with force at any time after the first Day of March next, during the sitting of any of the Courts of Judacature within the Province, and with the intention to obstruct or disturb the Proceedings of such Court, assault, beat or wound or openly threaten to assault, beat or wound any of the Judges, Justices or other officers of such Court, during the continuance of the term, or shall assault, beat or wound or openly threaten to assault, beat or wound, shall unlawfully and with Force hinder or obstruct any Sheriff, Coroner, or Collector of the Public Taxes in the discharge or execution of his or their Offices, or shall unlawfully and with force demolish, pull down or destroy any church or Chapel or any building for religious worship or any Court House or Prison, or any Dwelling House, Barn, Stable or other House, that then every such offense shall be adjudged a Felony. And the Offenders therein, their Leaders, Abettors and Advisers, shall be Adjudged felons, and shall suffer death as in due case of Felony, and shall be utterly excluded from his or their clergy; and if found guilty by verdict of a jury, or shall confess the same upon his or their arraignment, or will not answer directly to the same, according to the laws of this Province, or shall stand mute or be outlawed.

And whereas it hath been found by experience that there is great difficulty in bringing to Justice those who have been or may be guilty of any of the offenses before mentioned: for remedy thereof, Be it enacted by the authority aforesaid, that it shall and may be lawful to and for the Attorney-General of this Province for the time being, or his deputies, to commence prosecutions against any person or persons ~~who may~~ have at any time since the first Day of March last, or shall at any time hereafter commit or perpetrate any of the crimes hereinbefore mentioned, in any superior Court within this Province, or in any Court of Oyer and Terminer, by the Governor or Commander-in-Chief for the time being, specially instituted and appointed, and the Judges or Justices of such Court, are hereby empowered and required to take cognizance of all such crimes and offenses, and proceed to give judgment and award execution thereon, although in a different County or District from that wherein the crime was committed, and that all proceedings thereupon shall be deemed equally valid and sufficient in law as if the same had been prosecuted in the County or District wherein the Offense was committed, any, Law, Usage or Custom to the Contrary notwithstanding.

And be it further enacted, by the authority aforesaid, that the Judges or Justices of such Court of Oyer and Terminer so commissioned shall direct the clerk of the District where such Court of Oyer and Terminer is to be held to issue Writs *Venire Facias*, and the proceedings thereon to be in all respects the same as directed by an act of the Assembly passed at New Bern in January of the year of our Lord, One Thousand seven hundred and sixty-eight, entitled An Act for dividing this Province into six several districts and for establishing a superior Court of Justice in each of the said districts and regulating the proceedings therein, and for providing adequate salaries for the Chief Justices and the associate Justices of the said superior Courts.

Provided, nevertheless, that no Person or Persons heretofore guilty of any of the crimes or offenses in this Act before mentioned, altho' convicted thereof in a different County or District from that wherein such Offense was committed, shall be subject to any or other or greater punishment than he or they would or might have been had this Act never been made.

And to the end that the justice of the Province be not eluded by the resistance or escape of such enormous Offenders, Be it further enacted by the authority aforesaid, that from and after the passing of this act, if any Bill or Bills of indictment be found or presented or presentments made against any Person or Persons for any of the crimes or offenses hereinbefore mentioned, it shall and may be lawful for the Judges or Justices of the superior Court or Court of Oyer and Terminer, wherein such indictment shall be found or presentment made, and they are hereby empowered and required to issue their proclamation to be affixed or put up at the Court House and each Church or Chapel in the County where the crime was committed, commanding the Person or Persons against whom such bill of indictment is found or presentment made to surrender himself or themselves to the Sheriff of the County wherein such Court is to be held within sixty days. And in case such Person or Persons do not surrender himself or themselves accordingly, he or they shall be deemed guilty of the offense charged in the indictment found or presentment made in manner like as if he or they had been arraigned and convicted thereof by due course of Law; and it shall be lawful to or for any Person or Persons to kill or destroy such Offender or Offenders, and such Person or Persons killing such Offender or Offenders shall be free, discharged and indemnified, as well as against the KING, his heirs and Successors, as against all and every Person or Persons for and concerning the killing and destroying such Offender or Offenders, and the lands and Chattels

of such Offender or Offenders shall be forfeited to His Majesty, his Heirs and Successors, to be sold by the Sheriff, for the best price that may be had, at Public *vendue*, after notice by advertisement for ten days, and the Monies arising from such sale to be paid to the Treasurer of the District wherein the same shall be sold, and applied afterwards for defraying the contingent charges of the Government.

And whereas by the great Riots and insurrections at the last superior Court held for the district of Hillsborough it may be justly apprehended that some endeavors will be made to punish those who have been guilty of such Riots and Insurrections, as well as those who may hereafter be guilty of the crimes and Offenses hereinbefore mentioned: For prevention thereof and restoring Peace and Stability to the Regular Government of this Province, Be it enacted by the Authority aforesaid, that the Governor or Commander-in-Chief for the time being is hereby fully authorized and empowered to order to attend Regiments of Militia in this Province, to be under the command of such Officer or Officers as he may think proper to appoint for that purpose, at the Public Expense, to be by him employed in Aid and Assistance of the execution of this Law, as well as to protect the Sheriffs and Collectors of the Public Revenue in Discharge of their several duties, which draught or Detachments of Officers and Soldiers when made shall be found, provided for, and paid, in the same manner and at the same rates, and subject to the same rules and Discipline as directed in case of insurrection in and by Act of the Assembly made in the year One Thousand seven hundred and sixty-eight, entitled An Act for establishing a Militia in this Province.

And for effectually carrying into execution the purposes aforesaid, Be it further enacted by the authority aforesaid, that it shall and may be lawful for the Governor and Commander-in-Chief for the time being to

draw upon either or both of the Public Treasurers of this Province, by warrant from under his hand and seal, for the payment of any such sums of Money as shall or may be immediately necessary for the carrying on and performing of such service, and the said Treasurers, or either of them, are hereby directed and required to answer and pay such warrants as aforesaid out of the contingent fund which shall be allowed in their settlement of the public Accounts.

And be it further enacted by the Authority aforesaid, that if any number of men shall be found embodied and in an armed and hostile manner, to withstand or oppose any Military Forces, raised in Virtue of this Act, and shall, when openly and publicly required, commanded by any Justice of the peace or Sheriff of the County where the same shall happen, to lay down their arms and surrender themselves, that then and in such case the said Persons so unlawfully assembled and withstanding, opposing and resisting, shall be considered as traitors, and may be treated accordingly.

And be it further enacted by the Authority aforesaid, that the Justices of every Inferior Court shall cause this Act to be read at the Court House Door, the second Day of each Court for their Counties, and that the Minister, Clerk or Reader of every Parish in this Province shall read or cause to be read at every Church, Chapel or other place of public Worship within their respective parishes, once in every three months at least, immediately after divine service, During the continuance of this Act.

And be it enacted by the authority aforesaid, that this Act shall continue and be in force for one year, and no longer.

Read three times in Open Assembly and Ratified the  
15th Day of January, 1771.

WILLIAM TRYON, Governor.

JAMES HASSELL, President.

RICHARD CASWELL, Speaker.

A true Copy of an Act passed last session of the As-  
sembly.

ROBERT PALMER, Secretary.

(Col. Rec. of N. C., Vol. VIII, pp. 481 to 486.)



## APPENDIX "D"

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### COPY OF HIS EXCELLENCY GOVERNOR TRYON'S LETTER TO THE COMMANDING OFFICERS OF SEVERAL REG- IMENTS OF MILITIA.

NEWBERN, 19th March, 1771.

Sir,

I yesterday determined by consent of His Majesty's Council to march with a body of Forces taken from several Militia Regiments, into the settlements of the Insurgents to reduce them to Obedience, who by their rebellious acts and declarations have set the Government at Defiance and interrupted the course of justice by obstructing, overturning and shutting up the courts of Law. That some of your Regiment, therefore, may have a share in the Honor of serving their Country in this important Service, I am to require you to make choice of ——— men out of the Volunteers of the ——— Regiment, with Officers and non-commissioned Officers in proportion to the following Regulations, to which you will pay the strictest Regard:

Each company to consist of one captain, one Lieutenant, one Ensign, two sergeants, two corporals, one drummer, a clerk and fifty private Men, with a Field Officer and an Adjutant to the Detachment; the supernumerary Officers that are willing to march will be entitled only to provisions, and the pay of private men, if they choose to accept of that pay.

Every man to be allowed forty shillings for an encouragement to serve in this expedition, and to be entitled to

receive two shillings a day while in Service, the eight pence per day for provisions being stopped for the commissaries who have contracted to serve the troops with provisions; each Man will also have a pair of leggins, a cockade and a Haversack given him, which you are to furnish, and when delivered and a certificate thereof produced, signed by the commanding officer of the Regiment, I will give you a Warrant on the Treasury for the amount, as well as for the forty shillings per man you shall advance as Bounty Money.

The Ration of provisions to each man per day is one pound of pickled pork and one pound of wheat flour, or one pound and a half of fresh Beef instead of pork and one pound and a half of Corn meal instead of flour, when ordered. Each company to be allowed a strong, commodious cart, with two able horses to carry the Baggage of the men, to be provided by the Colonel of the Regiment or Captain of the Company, and the owner to be allowed seven shillings and six pence per day while employed in the service, he finding his own Horse with corn. If a wagon is hired it must carry the Baggage of two companies, to be provided as above, and fifteen shillings per day to be allowed for it, on the same conditions as for the Carts. The Wagoners will be allowed to draw their Rations of provisions as soldiers, but to have no pay.

The men must be made sensible the better they are provided with Arms and necessities the better condition they will be in to serve their King and Country. No Volunteer to be accepted but those who are hearty, spirited, and can submit to a ready obedience to orders, nor will any soldier be allowed to take his horse, as the whole will march on foot, the officers to take as few horses as possible.

It is not intended to move the troops before the twentieth of next month, before which time you shall be in-

formed of the day you are to assemble your men, the time of march and the Road you are to take.

It is recommended as a Christian Duty incumbent on every planter that remains at home, to take care of and assist to the utmost of his abilities the Families of those men who go on this service, that neither their Families nor plantations may suffer while they are employed on a service where the interests of the whole is concerned.

For the Expenditures ordered on this Expedition I shall give printed Warrants payable to Bearers; these Warrants will become negotiable until the Treasury can pay them out of the contingent Fund, in case there is not a sufficiency of money in the Treasury to answer the necessary Services of this Expedition.

WM. TRYON,  
Gov. Gen. Commanding.

(Col. Rec. of N. C.)

## APPENDIX "E"

### COUNCIL JOURNALS.

*At a Council Held at the Council Chamber at the Palace  
in New Berne, 18th March, 1771.*

Present:

His Excellency the Governor.

James Hassell.                      Martin Howard &

The Honorable    Esquires

Robert Palmer.                      Samuel Cornell.

The Governor laid before the board a letter he had intercepted of Rednap Howell's to James Hunter, dated Halifax, 16th February, 1771, last, and ordered the same be read and inserted in the Journals. Read the said letter, which reads as follows:

HALIFAX, 16th Feb., 1771.

JAMES HUNTER:

Respected Friend—

On my setting out for Halifax my horse fell sick, which detained me some time, so that on my arrival here I had certain information that Harmon was at liberty, so that I found it needless to raise the country, but I am satisfied it would be easily done if occasion required; however I have animated the people here to join the Regulators. On Saturday next come two weeks they are to have a meeting for that purpose. If it once takes a start here it will rapidly run into the neighboring counties of Edgecomb, Bute and Northampton, and thus undoubtedly facilitate

Justice to poor Carolina. I will now inform you of such things as I have learned since I left home. At New Bern the Governor called a general muster of a thousand and one hundred (1,100) men; after treating them at yours and my expense, he tried to prevail on them to march against the rebels (Regulators), but at one man's absolute refusal, he ordered him to be turned out of the ranks as a Traitor, which he very readily did, and all the regiment followed, or were following him; the Governor, perceiving his mistake, says, "Gentlemen, you mistook me: I only meant, should they come down and destroy all your livings, would you not fight them?" They answered yes, on which he dismissed them. They then gathered in Companys of 6, 8, 10, and 12, growling, and swearing would the mob come down they would join them. In Dobbs a general muster was called for the same purpose, but only seven men attended. I am informed the Clerk's places in the New Counties are parcelled out among the Quality; one Cooper is designed for your country, but if you suffer any rascal to come there may eternal oppressions be your lot: as I cannot solely depend on the Irish ahead, pray you will reserve that morsel for yours to serve; for as the whole province is in your favor, you may do as you list in that respect. I understand Butler and you are to be outlawed; despise it, laugh at it. We hear that the Governor has sent a proclamation to you importing as the French and Spaniards are now at War with us, it's a pity to breed a civil War among ourselves; that the Chief cause of the trouble was the counterfeit money, for which the great men were to blame; artful villain! if he could have raised the Province on us before, he would have told another tale. However, if this be true, the day is ours in spite of Lucifer. I give out here that the Regulators are determined to whip every one who goes to law, or will not pay his just debts, or will not agree to leave his cause to men

where disputes; that they will choose representatives, but not send them to be put in Jail; in short, to stand in defiance, and as to thieves, to send them out of the country. I leave the plan to your consideration. From

Your sincere friend,

REDNAP HOWELL.

(Col. Rec., Vol. VIII, p. 536.)



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